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Role of South-South cooperation and the implementation of the 2030 Agenda for Sustainable Development: Challenges and opportunities

Report of the Secretary-General

Summary

The present report is being submitted pursuant to General Assembly resolutions 71/244 of 21 December 2016, and to resolution 71/318 of 28 August 2017, by which the Assembly decided to convene a second High-level United Nations Conference on South-South Cooperation at the highest possible level, and that the Conference would be held in Buenos Aires from 20 to 22 March 2019. The scope of the Conference will be to review the trends in South-South and triangular cooperation, including the progress made by the international community, in particular the United Nations, in supporting and promoting such cooperation and identifying new opportunities, as well as challenges and suggestions to overcome them. In order to inform discussions at the Conference, the present report reviews the implementation of the Buenos Aires Plan of Action since its inception by Member States, United Nations system entities and other stakeholders. In keeping with the overarching theme of the Conference, "Role of South-South cooperation and the implementation of the 2030 Agenda for Sustainable Development, challenges and opportunities", as well as the sub-themes, the report also reviews actions at the national, regional, interregional and global levels. Against the background of lessons learned over the past 40 years, the report highlights key priorities for South-South cooperation in the years ahead.

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I. Introduction

1. The Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries (A/CONF.79/13/Rev.1, chap. I), adopted in 1978 at the United Nations Conference on Technical Cooperation Among Developing Countries, provided countries of the South with a framework to reinforce their cooperation among them with a view to collective self-reliance, which would allow them to achieve their development goals and to reduce poverty through mutual assistance and solidarity. Forty years later, South-South cooperation has increased in relevance as an important modality of international cooperation for sustainable development, as its scale, scope and the number of actors involved have expanded.

2. In 2015, the international community adopted an ambitious 2030 Agenda for Sustainable Development, which recognizes the salient role of South-South cooperation in achieving its goals and targets. Major frameworks, including the Addis Ababa Action Agenda, the Paris Agreement and the Sendai Framework, have also given new impetus to South-South and triangular cooperation.

3. The second High-level United Nations Conference on South-South Cooperation, occurring some 40 years after the adoption of the Buenos Aires Plan of Action, will give the international community the opportunity to review trends, assess progress to date in furthering development, review lessons learned in South-South and triangular cooperation and identify new opportunities offered by those modalities of cooperation to achieve the 2030 Agenda and other internationally agreed development goals.

4. The growing importance and contribution of South-South cooperation to the internationally agreed development goals has been driven by the significant gains achieved by many developing countries. Today, South-South cooperation is contributing to the transformation of the norms and principles of international cooperation.

5. It is against that backdrop that the second United Nations High-Level Conference on South-South Cooperation will take place in Buenos Aires from 20 to 22 March 2019.

6. In the lead up to the Conference, I offer the following overarching observations:

(a) The international cooperation landscape has witnessed important changes in recent decades, characterized by the increasing importance of South-South cooperation at the subregional, regional and interregional levels;

(b) The enhanced productive capacities of developing countries and their implementation of successful public policies in the economic, social, scientific and technological sectors have had a positive impact on trade, financial flows, technological capabilities and economic growth in the countries of the South and globally;

(c) The determination of Southern actors to promote partnerships through mutual learning and the sharing of knowledge, experience and best practices, highlights the importance of South-South cooperation in addressing persistent development challenges towards achieving the 2030 Agenda;

(d) There still remain gaps in assessment of and reporting on the impact of South-South and triangular cooperation for sustainable development. Moreover, the national reporting mechanisms that are in place often adopt different approaches and methodologies, making it difficult to draw cross-country comparisons. It is important, in that context, to bring coherence to the reporting mechanisms so as to facilitate the sharing of knowledge and experiences and promote partnerships;

(e) The growing role of South-South cooperation and its increased complexity should be matched with critical institutional arrangements at the national, regional,

inter-regional and global levels. That should be one of the key areas of reflection during the Conference.

II. Conceptual framework for South-South cooperation

7. South-South cooperation is a broad framework for collaboration among countries of the South in the political, economic, social, cultural, environmental and technical domains. It is managed by developing countries themselves, with active participation from Governments, public and private sector actors, academia and non-governmental organizations (NGOs) among others.

Historical context

8. Commitment to collective development, the promotion of human freedom, opposition to colonialism and the creation of equitable conditions for the peaceful and harmonious socioeconomic development of all countries have been key to the genesis and evolution of South-South cooperation. Thus, historically, South-South cooperation has been characterized by in-kind partnership and building on common development needs, perspectives and approaches.

9. Once largely confined to capacity-building, South-South cooperation is now being enriched by an array of different approaches, along with diverse regional dynamics and perspectives.

10. During the Asia-Africa Conference, held in Bandung, Indonesia, from 18 to 24 April 1955, Southern leaders called for structural changes in the world economic order and expressed their willingness to form partnerships to gain more bargaining power on the global stage. A few years later, the establishment of the Movement of Non-Aligned Countries in 1961 provided an impetus for cooperation among developing countries. The launch of the United Nations Conference on Trade and Development (UNCTAD) in 1964 helped to further consolidate that process.

11. In 1964, the Group of 77 was established to advance the collective economic interests of developing countries and to create an enhanced joint negotiating capacity, including through South-South cooperation. Having since expanded to 134 Member States, the Group of 77 has emerged as a unique platform to advance South-South cooperation.

12. During the 1960s and 1970s, several decisions were taken at the United Nations regarding development in newly independent countries, with the collective aim of achieving self-reliance, economic independence and stronger linkages between the South and the global economy. In pressing for that greater level of autonomy, the Declaration on the Establishment of a New International Economic Order was also adopted by the United Nations General Assembly in 1974 (see Assembly resolution S-6/3201).

13. The Buenos Aires Plan of Action, endorsed by the General Assembly in its resolution 33/134 of 19 December 1978, articulated the basic principles of interaction and collaboration between countries, including respect for national sovereignty, non-interference in domestic affairs and equal rights. It has also guided developing countries towards strengthening innovative mechanisms to build legal and institutional frameworks, and financing mechanisms at the national, bilateral, regional and multilateral levels.

14. It is important to note that, by the 1970s, developing countries had already identified national interests in trade and investment linked to their collective development priorities. Complementarities in skills and resources were, therefore,

identified as practical modalities for deepening these linkages. The Buenos Aires Plan of Action responded to those needs by proposing the creation of a platform for economic cooperation among developing countries and another platform for technical cooperation among developing countries.

15. In the Ministerial Declaration of the Group of 77 (A/49/462, annex), adopted on 30 September 1994, the ministers for foreign affairs of Group of 77 member States called upon the United Nations to consider convening an international conference on South-South cooperation.

16. Participants in the South Summit, held in Havana from 10 to 14 April 2000, adopted the Declaration of the South Summit, in which the countries of the South expressed their conviction that South-South cooperation was, as a complement to North-South cooperation, an effective instrument for optimizing their potential to promote development through, among other things, the mobilization and sharing of existing resources and expertise. The same conviction was reiterated in the Doha Declaration, adopted at the Second South Summit, held in Doha, from 12 to 16 June 2005, in which the countries of the South called for a more energetic effort to deepen and revitalize South-South cooperation to take advantage of the new geography of international economic relations.

17. The first High-level United Nations Conference on South-South Cooperation, held in Nairobi from 1 to 3 December 2009 to commemorate the thirtieth anniversary of the Buenos Aires Plan of Action, centred on the theme "Promotion of South-South cooperation for development".

18. In the Nairobi outcome document of the High-level United Nations Conference on South-South Cooperation (General Assembly resolution 64/222, annex), Member States emphasized that South-South cooperation was a manifestation of solidarity among peoples and countries of the South that contributed to their national well-being, their national and collective self-reliance and the attainment of internationally agreed development goals. It was also highlighted therein that South-South cooperation and its agenda had to be set by countries of the South and should continue to be guided by the principles of respect for national sovereignty, national ownership and independence, equality, non-conditionality, non-interference in domestic affairs and mutual benefit. A series of measures to reinvigorate the United Nations development system in supporting and promoting South-South cooperation were also set out therein.

Comparative advantages of South-South and triangular cooperation

19. For many actors involved in South-South cooperation, its main comparative advantage lies in its ability to address the development challenges of Southern countries through an emphasis on shared values within similar development contexts on the basis of mutual interest and understanding. South-South cooperation facilitates a horizontal relationship in which cooperation is built as a partnership between equals.

20. South-South cooperation is a participatory process that promotes the creation of functional development solutions under similar cultural and social circumstances, reflects convergent political and strategic interests and taps locally available capacities and assets.

21. South-South Cooperation is complementary to, and not a substitute for, the responsibilities and capabilities of donor countries. Hence, this modality of cooperation complements and accompanies the efforts of the countries themselves in order to overcome the structural challenges of development in specific areas.

22. South-South cooperation favours ownership by Southern countries, since contexts and social difficulties and challenges are, in most cases, similar and shared among South-South partners. Connected by similar settings and challenges, the

nations of the South are open to cooperating with each other on knowledge-sharing and technology exchange activities, on common technical training programmes and in taking collective action. Consequently, South-South cooperation aims to promote national and collective self-reliance and independence and to reinforce political and cooperative relationships.

23. South-South cooperation allows countries to play an important role as facilitators of cooperation in many different areas, such as institutional strengthening, health, gender equality, climate change, food safety, scientific and technological innovation, infrastructure, trade, finance and investment, and regional integration.

24. South-South cooperation promotes mechanisms for horizontal governance and decision-making. It is a flexible modality for managing and implementing projects and initiatives on demand, with a clear definition of roles and shared responsibilities.

25. South-South cooperation enables developing countries to play a more active role in international policy and decision-making processes, in support of their efforts to achieve sustainable development.

26. South-South cooperation is generally more cost-effective than other modalities of cooperation. It is a vehicle for developing countries to support each other without the need to use a large amount of resources, yet has the potential to have a great impact.

27. Given its comparative advantages, South-South cooperation brings new impetus and an innovative character to cooperation between developing countries since it helps to mobilize alternative financial resources.

28. The comparative advantages of triangular cooperation include: establishing linkages with different partners without the need for negotiating complicated treaties or agreements; making good use of the comparative advantages of different modalities of and actors in development cooperation; and mitigating the lack of coordination between major development cooperation modalities.

29. It is worth noting that triangular cooperation offers opportunities to explore synergies and complementarities between diverse actors and to strengthen the ownership of partners in joint activities.

30. Triangular cooperation is a tool that allows traditional donors and other partners to join South-South initiatives. It is also an alternative way to leverage resources and to involve those actors in technical capacity-building initiatives. Therefore, it represents an opportunity to enhance South-South cooperation through the provision of financial and technical support.

31. In triangular cooperation, all countries can be providers, facilitators and beneficiaries of knowledge-sharing. Thus, it is a modality of partnership that can help to transcend traditional divides between different types of cooperation.[1]

32. Triangular cooperation can open up new opportunities for cooperation, offering a mix of funding and knowledge that would not otherwise be available. The Southern partners gain skills and experience and build their capabilities as new providers of development cooperation. All partners can learn and benefit from triangular cooperation.

[1] Organization for Economic Cooperation and Development (OECD), "Dispelling the myths of triangular cooperation: Evidence from the 2015 OECD survey on triangular cooperation" (Paris, 2016).

III. South-South cooperation and the 2030 Agenda for Sustainable Development: Trends, opportunities and challenges

A. Trends and opportunities in South-South cooperation

33. South-South cooperation continues to show resilience as it steadily expands and diversifies. Recent years have seen the emergence of new actors, more inclusive partnership arrangements and innovative modalities for development cooperation. Those changes are strengthening development efforts at all levels with a view to achieving the Sustainable Development Goals, including combating poverty and hunger, addressing climate change, supporting infrastructure development and advancing humanitarian assistance.

34. A growing number of Southern partners are designing systems and processes to assess the outcomes of their projects and programmes. Together, developing countries are paying heightened attention to the quality, effectiveness and contribution of their development cooperation to sustainable development (see E/2018/55, para. 35).

35. Despite significant economic achievements, countries of the South still face important economic, social and environmental challenges. South-South cooperation is reducing asymmetries in access to development opportunities and responding directly to local demands.

36. Partnerships across the South do not focus exclusively on financial flows, but also on economic cooperation and the exchange of knowledge, experiences and development solutions, which are critical for the South to achieve the 2030 Agenda and other internationally agreed development goals. The innovative development solutions developed by the South can be shared for the benefit of all, thereby leaving no one behind.

37. In the new international context, South-South cooperation allows partners to gain experience on cooperation projects in which all participants have an active role, with a view to creating capacity in order to guarantee that the projects have lasting effects on sustainable development.

38. An important emerging field of cooperation within the framework of South-South cooperation relates to leveraging frontier technologies to deliver sustainable development and the need for developing countries to address the impacts of those technologies and to mitigate their risks and adjustment costs. Developing countries can engage in capacity-building and raise awareness with respect to available policy options and best practices in order to learn from each other's experiences in implementing frontier technologies, on the basis of national circumstances and ownership, as well as cooperate to disseminate existing technologies.

39. Capacity-building and collaboration in public-private partnerships across the 17 Sustainable Development Goals is another important area of South-South cooperation. Countries of the South can share their experiences and best practices regarding policies and regulatory frameworks for such partnerships, including in respect of legislation, risk assessment models and contracts management.

40. The international community is increasingly recognizing the important role of South-South cooperation in achieving the goals and targets of the 2030 Agenda and other international agreed development objectives.

41. In the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, Member States welcomed the increased contributions of South-South cooperation to poverty eradication and sustainable development, and

encouraged developing countries to voluntarily step up their efforts to strengthen South-South cooperation and to further improve its development effectiveness, in accordance with the provisions of the Nairobi outcome document of the High-level United Nations Conference on South-South Cooperation. Through the Nairobi outcome document, Member States also committed to strengthening triangular cooperation as a means of bringing relevant experience and expertise to bear in development cooperation.

42. In the Sendai Framework for Disaster Risk Reduction 2015–2030 (General Assembly resolution 69/283, annex II), Member States called for the further strengthening of South-South cooperation as a modality of partnership, with such partnerships playing an important role by supporting national capacities in disaster risk management and in improving the social, health and economic well-being of individuals, communities and countries.

43. At the sixth biennial high-level meeting of the Development Cooperation Forum (see E/2018/73), participants called upon countries and actors of the global South to be bolder in sharing their experiences and evidence regarding development cooperation, and for countries and actors of the global North to learn more from, and integrate the experience and expertise of, the global South into their practices.

44. According to the results of a 2017 survey of programme country Governments conducted by the Department of Economic and Social Affairs, from 2015 to 2017, the proportion of developing countries providing development cooperation increased from 63 to 74 per cent. In 2017, 84 per cent of the countries providing South-South cooperation reported exchanging information on science, technology and innovation. That trend shows that the landscape of South-South and triangular cooperation is undergoing significant change, affecting not only the scope of development cooperation, but also the diversity of actors. Similarly, the survey showed a marked rise in the percentage of countries with developing country status, indicating that the United Nations had undertaken activities to support South-South or triangular cooperation therein, from 54 per cent in 2015 to 84 per cent in 2017 (see ibid., para. 39).

B. Challenges in and strengthening the institutional framework of South-South cooperation

Strengthening institutional capacities through South-South cooperation

45. South-South cooperation is an important tool for supporting the achievement of Sustainable Development Goals. Policymakers and international development practitioners are putting in place institutional mechanisms and enabling instruments at the national and regional levels, including South-South funds, manuals and guidelines for implementing South-South and triangular cooperation.

46. Some Southern countries have put in place national mechanisms and institutions to coordinate and implement South-South cooperation and triangular cooperation programmes and have begun to share their experiences. However, other countries are still confronting institutional challenges in effectively coordinating their national activities relating to South-South and triangular partnerships.

47. In recent years, the development of formal rules and informal norms and the emergence of dedicated organizations have moved South-South cooperation increasingly into the mainstream of policymaking at the national level. A growing number of countries have either created agencies dedicated to South-South cooperation or have enhanced South-South cooperation capacities within institutions dealing with international cooperation. In several instances, South-South and triangular cooperation have been anchored as an instrument of national foreign policy,

and Member States have set up institutional mechanisms either within their ministries of foreign affairs or as a separate entity. In recent years, Member States have made systematic efforts to create institutional structures for coordination, implementation and monitoring in relation to the Sustainable Development Goals. Often, those structures also coordinate South-South and triangular cooperation (see A/72/297).

48. The establishment of development cooperation agencies in the South is a relatively recent phenomenon, and they vary in terms of mandate and scope. While some have an extended mandate to formulate and influence foreign policy and diplomacy, others have a role that is limited to the implementation of projects. They also greatly differ in terms of their level of engagement in regional integration processes, involvement in multilateral structures, and engagement with intergovernmental bodies such as the United Nations and its agencies.

49. Some Member States have made several institutional advances, including with respect to the allocation of dedicated financial resources, the development of policy and regulatory frameworks, specialized personnel, and administrative and methodological innovations (see ibid.).

50. Along with a shift in operational focus towards impact assessment and evaluation by some national development cooperation agencies, there has been a variation in the approach to evaluation, from those that are purely technical in nature to those that reflect wider dimensions of development and sustainability and joint ownership considerations, among other things.

51. To leverage the potential of South-South and triangular cooperation in accelerating progress towards the Sustainable Development Goals, institutional coordination mechanisms and capacities need to be further strengthened so that developing countries can put in place the necessary tools to provide and receive cooperation, to coordinate various projects and programmes, and to reduce transaction costs, avoid fragmentation and ensure that the development process is demand-driven.

52. Key efforts to develop the capacity of practitioners engaging in technical cooperation in middle-income countries and least developed countries include the project "Capacity Development in Management of South-South and Triangular Cooperation", implemented from 2012 to 2016 by the United Nations Office for South-South Cooperation, the Brazilian Cooperation Agency and the Japan International Cooperation Agency.[2] A total of 55 countries participated in the project's training courses. The initiative improved dialogue and collaboration among South-South cooperation practitioners and led to the launch of new South-South cooperation initiatives. It also improved collaboration and institutional arrangements at the national level and raised awareness of the importance of national mechanisms for the coordination of South-South cooperation.

53. At the United Nations level, the General Assembly, in its resolution 3251 (XXIX) of 4 December 1974, endorsed the establishment of a special unit within the United Nations Development Programme (UNDP) to promote technical cooperation among developing countries. With the adoption of Buenos Aires Plan of Action, the Special Unit for South-South Cooperation was strengthened in order to fulfil its primary mandate, as set out in Buenos Aires Plan of Action. Recognizing the importance of strengthening the Special Unit's responsiveness, effectiveness and efficiency in facilitating South-South cooperation, with a view to sustaining the

[2] In the evaluation report, it was noted that the project was the first global project on capacity-building with respect to South-South cooperation management, and project activities had been essential to ensuring that the project was demand-driven and that it responded to the management needs of developing countries.

development efforts of developing countries and enhancing their participation in the global economy, the name of the Special Unit was changed to the United Nations Office for South-South Cooperation, pursuant to decision 17/1 of the High-level Committee on South-South Cooperation (see A/67/39, chap. I). UNDP continues to host the Office.

54. Member States recognize the important role of the United Nations Office for South-South Cooperation in coordinating, promoting and mainstreaming South-South and triangular cooperation on a regional, global and United Nations system-wide basis. In that context, they have also recommended that the role of Office be elevated to enable it to work effectively in responding to the needs of developing countries in implementing the Sustainable Development Goals and to further strengthen its capacity to meet its system-wide responsibilities as a coordinator and facilitator (see A/67/39 and SSC/18/3).

55. In recent years, the United Nations Office for South-South Cooperation has been supporting Member States and other partners in enhancing and expanding their South-South cooperation efforts through capacity-building. The Office has already entered into partnership agreements with national entities of 12 Member States, 23 United Nations system and intergovernmental organizations, and 12 civil society organizations, foundations and academic institutions.

56. An interagency survey conducted by the United Nations Office for South-South Cooperation showed that the lack of a system-wide strategy on South-South cooperation was one of the main factors hindering optimal United Nations system support for South-South cooperation at the policy and operational levels. In response, and as I requested (see A/72/297), the Office and other United Nations entities are currently formulating a United Nations system-wide strategy on South-South cooperation to streamline work in that regard. Doing so will also facilitate close collaboration among resident coordinators, the Office, funds and programmes, and South-South cooperation units, with a view to matching the demand for South-South cooperation with available capacities and enabling South-South and triangular cooperation partnerships.

Reporting on the impact of South-South cooperation

57. The intensification and transformation of South-South cooperation have led to calls for better coordination, coherence and reporting. Notwithstanding the growth in the number of South-South cooperation projects and initiatives, data on their true scale, impact and scope, as well as lessons learned therefrom, are limited.

58. Generating estimates with respect to South-South cooperation remains complex and challenging, given its emphasis on non-financial modalities and the lack of comparability in the definitions and categories used for reporting. For example, country practices differ with regard to reporting the indirect and direct costs of their projects, as do their methodologies for calculating the grant element in official loans. Estimates of development cooperation from academic institutions and international organizations can differ from those from official sources. Moreover, non-financial modalities, including capacity-building, technology development and transfer, joint action for policy change and partnerships, which are significant components of South-South cooperation, are not easily quantifiable.

59. Further efforts to systematize and formalize South-South cooperation will require the development of both quantitative and qualitative methodologies and metrics for South-South cooperation.

60. Developing countries are making inroads in redefining methodologies and setting norms in development cooperation. The global South continues to emphasize

the imperative of focusing on impact/outcome analysis. Leaders of many emerging economies are still weighing the costs and benefits of standardizing Southern development cooperation, with many preferring flexibility and room for greater diversity of approaches to South-South cooperation.

61. At the global level, the United Nations system and other international organizations have greatly enriched the information available on Southern cooperation. The High-level Committee on South-South Cooperation, a subsidiary body of the General Assembly, provides a detailed account of the implementation of the Buenos Aires Plan of Action through the report of the Administrator of UNDP to its biennial sessions. The annual report of the Secretary-General on the state of South-South cooperation provides useful information on the contribution of such cooperation to sustainable development. The biennial report of the Secretary-General on trends and progress in international development cooperation, submitted to the Development Cooperation Forum for its consideration, also provides information on South-South cooperation.

62. Regional efforts at showcasing developments in Southern collaboration are also present. For example, the Ibero-American Programme to Strengthen South-South Cooperation has championed the enhancement of management methodologies for South-South and triangular cooperation initiatives in Latin America. Furthermore, the "Report on South-South Cooperation in Ibero-America 2017" presents a comprehensive and holistic account of South-South cooperation activities in Latin America, highlighting the importance of adopting metrics that go beyond a country's income in determining the status of its development cooperation. In the light of the successes of the aforementioned reporting initiative, in April 2018, a number of African countries partnered with the New Partnership for Africa's Development (NEPAD) Planning and Coordinating Agency and the UNDP Regional Service Centre for Africa to pilot a South-South cooperation reporting initiative for Africa with a focus on technical cooperation.

63. Similarly, a consortium of partners, including Canada, Japan, Mexico, the United Nations Office for South-South Cooperation, the Islamic Development Bank and the Organization for Economic Cooperation and Development are leading an initiative on triangular cooperation under the auspices of the Global Partnership Initiative on Effective Triangular Cooperation. Working under the three work streams of advocacy, analytics and operations, the initiative aims to: analyse and systematize experiences and best practices; develop a set of voluntary principles; and consolidate frameworks for triangular cooperation to ensure country leadership and ownership and that partnerships for sustainable development are inclusive.

64. In line with changes in the global political and economic landscape, and the rise of Southern providers of development cooperation, there is an increased need for a harmonized framework for reporting on and evaluating the impact of South-South development cooperation. That calls for a common and coordinated approach to the effective consolidation of the diverse approaches and instruments that are available in the global South, as well as the strengthening of institutional capacities and mechanisms for cooperation.

C. Sharing experiences, best practices and success stories

65. Countries of the South that are on similar development pathways are sharing innovative, cost-effective and easily adaptable solutions with each other. Knowledge-sharing and peer-to-peer learning have become central tenets and are among the most dynamic components of South-South and triangular cooperation.

66. The exchange of development experiences between countries, through North-South, South-South and triangular cooperation, has accelerated the adoption and adaptation of development solutions championed by countries of the South. There is substantive evidence showing that South-South and triangular cooperation have immense potential to accelerate the progress of countries in achieving all 17 Sustainable Development Goals. The effectiveness of such development cooperation can be further accelerated by facilitating effective knowledge-sharing platforms that encourage mutual learning like the Technology Bank for the Least Developed Countries.

67. Member States, development partners and other stakeholders have been increasingly willing to document best practices in South-South and triangular cooperation and to share the development solutions championed by the countries of the South.

68. Initiatives of Member States in sharing best practices range from setting up South-South centres and centres of excellence, to the development of a portfolio of best practices and experiences to promote mutual learning, to the production of digital "capacities catalogues" that compile information on best practices that are aligned with the Sustainable Development Goals.

69. Regional and global initiatives have also been taken to promote the sharing of knowledge, successful experiences and best practices in the adaptation and implementation of the 2030 Agenda through South-South and triangular cooperation. A growing trend is the establishment of centres of excellence and trust funds to spur greater South-South cooperation among emerging economies and other developing countries. That trend reveals the role that dynamic Southern economies play in achieving the Sustainable Development Goals as they shoulder greater global responsibilities in accordance with the principles of South-South solidarity.

The role of the United Nations Office for South-South Cooperation in knowledge-sharing

70. The United Nations plays an important role as a broker of knowledge-sharing. Member States believe that the United Nations system should leverage that coordination expertise to ensure that best practices, lessons learned and other important experiential information related to South-South and triangular cooperation can be shared widely.

71. It should be noted that, currently, most knowledge exchange occurs at the bilateral level. Since that method of knowledge exchange is limited in scope, Member States therefore urge the United Nations system to support both regional and subregional organizations in developing centralized nodes for the dissemination of information.

72. It is well understood that there is already a wealth of knowledge on South-South cooperation and that Member States, United Nations entities, think tanks and other organizations require the means and infrastructure to collaborate. With that in mind, the use of online platforms for the dissemination of information can facilitate the exchange of knowledge and experiences. Online portals provide an accessible platform for engagement, which simultaneously ensures that all relevant information is securely digitized and archived for future use.

73. In response, the United Nations Office for South-South Cooperation, through its innovative web portal,[3] is engaging United Nations organizations and Member States. The portal showcases the work of numerous partners on South-South and triangular

[3] Available at www.unsouthsouth.org.

cooperation in their respective focus areas. It functions as a tool linking agencies and Governments to share knowledge, locate experts and undertake outreach and advocacy on issues of critical importance to the global South.

74. The South-South Solutions Database[4] is being expanded through inter-agency collaboration. In addition, the annual Global South-South Development Expo provides a platform for Member States, United Nations entities, the private sector, civil society organizations and all other partners to showcase Southern development solutions, share knowledge and lessons learned, network, collaborate and explore avenues for partnerships.

75. The United Nations Office for South-South Cooperation is also developing a global platform for sharing knowledge and brokering partnerships to respond more systematically and effectively to the demand by developing countries to connect and collaborate with potential partners. The platform will provide a space that systematizes knowledge-sharing, and is equipped to provide actionable solutions, strengthen capacity and foster valuable partnerships.

76. The "South-South in Action" publication series offers partners of the United Nations Office for South-South Cooperation, including United Nations entities, Member States, intergovernmental organizations and civil society, a platform for sharing best practices from their South-South and triangular cooperation initiatives. Launched in 2016, this flagship series of reports is facilitating the building of a knowledge bank of successful South-South initiatives. Between 2016 and 2018, 12 "South-South in Action" publications have been launched, and more are in the pipeline.

77. In collaboration with Member States, United Nations entities and development partners, the United Nations Office for South-South Cooperation has launched a compilation of lessons learned entitled "Good practices in South-South and triangular cooperation for sustainable development".[5] The compilation, which will be updated online on a rolling basis, features best practices from the global South that are relevant to the implementation of the Sustainable Development Goals. It presents notable solutions at the national, subregional, regional and global levels to crucial challenges faced by developing countries in eradicating poverty, reducing inequality, supporting climate change action and creating peaceful and cohesive societies. Priority has been given to innovative initiatives that illustrate the central tenets of effective South-South and triangular cooperation, including initiatives that involve and benefit a great number of people in two or more Southern countries, that address transnational development challenges, that present solutions that have been piloted and scaled up, and that have tangible development outcomes that address the attainment of all 17 Sustainable Development Goals. The evidence gathered in the first volume aims to benefit developing countries that seek to scale up South-South and triangular cooperation initiatives, in particular with respect to widening the application of policies, strategies and programmes. The first volume presented 61 best practices. The second volume will expand upon and update the best practices and lessons learned that have been featured in the first.

[4] Available at www.unsouthsouth.org/resources/south-south-solutions-database.

[5] Available at https://www.unsouthsouth.org/library/publications/good-practices-in-sstc-for-sustainable-development/.

D. Scaling up the means of implementation of the 2030 Agenda in support of South-South and triangular cooperation

South-South cooperation in trade, finance and investment

78. Achieving the 2030 Agenda and scaling up the means of implementation call for diverse forms of South-South and triangular cooperation, including technical cooperation, trade, investment, finance and infrastructure. Achieving catalytic results and accelerating progress towards the Goals also call for partnerships with and contributions from diverse stakeholders, including the private sector, civil society organizations, philanthropic organizations, academia and think tanks. A range of mechanisms at the national, regional and global levels and creative instruments will be required. In recent years, the scope of South-South and triangular cooperation has expanded well beyond technical cooperation and the exchange of knowledge to include trade, investment, infrastructure and connectivity.

79. Trade among the Southern countries is rapidly increasing. Since 2013, South-South trade in goods was valued at approximately $5 trillion dollars. More than 75 per cent of South-South trade was to or from countries in Asia, reflecting a degree of global integration in the region that diverges from that of other regions.[6]

80. Flows of foreign direct investment (FDI) between developing countries in the global South have also multiplied. FDI remains the largest external source of finance for developing economies. It makes up 39 per cent of total incoming finance in developing economies as a group. FDI flows to developed economies fell by one third, to $712 billion, while FDI inflows to developing economies remained close to their 2016 level, at $671 billion. The share of inward FDI stock for countries that are members of the Group of 20 increased from 57 per cent (2016) to 58 per cent (2017), accounting for 78 per cent of world gross domestic product. FDI inflows to Brazil, China, India and Indonesia increased from $58 to $63 billion, from $134 to $136 billion, from $40 to $44 billion, and from $4 to $23 billion, respectively.[7]

81. China's Belt and Road Initiative, the India-led International Solar Alliance and India's concessional lines of credit to African countries are key examples of South-South cooperation. India has approved nearly $28 billion in concessional credit (including around $10 billion for some 40 African partners) with a special emphasis on partnerships with least developed countries and small island developing States.

82. There is also a new wave of multilateral institutions that are devoted to South-South cooperation, especially the financing of such activities, including the recently established Asian Infrastructure Investment Bank and the New Development Bank. Both are significant facilitators for South-South cooperation, prioritizing sustainability and inclusive growth in their respective agendas. It is projected that the Asian Infrastructure Investment Bank will provide loans totalling $10 to $15 billion annually over the next 15 years. Those investments will focus on the development of infrastructure and other productive sectors in Asia. It is estimated that the New Development Bank will be able to lend an average of $3.4 billion by 2020 and nearly $9 billion by 2034. The Bank's first five pipeline projects will focus on renewable energy.

83. The Islamic Development Bank introduced a "reverse linkage" mechanism in order to maximize the benefits derived from South-South cooperation and adequately address the emerging demands of its member countries. Reverse linkage is a South-South cooperation mechanism whereby member countries act as the primary agents in the provision of knowledge, technology and resources to build their individual

[6] United Nations Conference on Trade and Development (UNCTAD), *Key Statistics and Trends in International Trade 2014*, (Geneva, 2015).

[7] UNCTAD, *World Investment Report 2018* (Geneva, 2018).

capacities and devise solutions for their autonomous development in a mutually beneficial, results-oriented and programme-based arrangement.[8]

84. The Andean Development Corporation is a key partner for sustainable development in its shareholder countries, in particular in financing infrastructure and projects that have reinforced integration among countries of the region. Three cities in the Andean region are participating in the Cities Footprint Project, developed in partnership with the Andean Development Corporation, which supports local governments in identifying actions and in designing and implementing development plans with a view to mitigating and adapting to climate change.

85. The number of actors in South-South and triangular cooperation has expanded, including subnational entities such as municipal and provincial governments and non-State actors such as civil society, private sector firms, volunteer groups, and academic and research institutions. Non-State actors are important stakeholders in development cooperation that can be instrumental in scaling up the implementation of the 2030 Agenda through South-South and triangular cooperation efforts. In many countries, national South-South cooperation strategies are anchored in national development plans and have evolved through inclusive partnerships with the private sector, civil society and academia. Those strategies provide key investment opportunities for sustainable development.

86. The private sector has the financial means, the human resources and the technological and innovative capacities to transform global challenges into inclusive and sustainable business opportunities. The private sector has been involved in the development of physical infrastructure projects funded by southern countries. Some countries have built strategic alliances with the private sector with the objective of increasing the competitiveness of small and medium-sized enterprises and incorporating best practices in environmental sustainability.

South-South cooperation: A regional perspective

87. South-South cooperation is an important means of reinforcing regional cooperation among developing countries. Regional and interregional initiatives among developing countries are also important frameworks for promoting sustainable development cooperation across all regions.

88. In the Bali Declaration on Regional and Subregional Economic Cooperation of the Developing Countries, the countries of the South underlined the significant role of regional and subregional economic and technical cooperation in improving the welfare and standard of living of peoples in developing countries, thereby contributing to the efforts of the international community to eradicate poverty.

89. The Latin America and Caribbean region features several specialized international cooperation bodies that are focused on regional and subregional integration mechanisms. Examples include the international cooperation working group of the Community of Latin American and Caribbean States (CELAC), the Group of High-level Authorities on South-South Cooperation of the Union of South American Nations, the international cooperation group of the Southern Common Market (MERCOSUR), the cooperation working group of the Pacific Alliance, the specialized international cooperation of the Spanish Agency for International Cooperation for Development, the Mesoamerican Integration and Development Project, the Committee on South-South Cooperation of the Economic Commission for Latin America and the Caribbean (ECLAC) and the meetings of heads of cooperation of the Ibero-American Conference. CELAC, which serves as a forum for political dialogue and agreement among 33 countries of the Latin America and the

[8] See http://tsdb-indonesia.org/product-and-service/reverse-linkage-south-south-cooperation/.

Caribbean, is now developing, with support from ECLAC, a regional cooperation policy that outlines development project priorities for South-South and triangular cooperation. That policy will enable the identification of areas for cooperation and activities that are conducive to promoting regional, subregional, bilateral and triangular cooperation programmes that will help to reduce asymmetries among developing countries while deepening the political dialogue on joint actions to achieve the 2030 Agenda through cooperation.

90. ECLAC has provided technical cooperation services to regional and subregional organizations to further strengthen their integration efforts and to increase intraregional trade among members of the Union of South American Nations and members of the Andean Community. An innovative example of interregional South-South cooperation is a trust fund jointly established by ECLAC and the Economic and Social Commission for Asia and the Pacific (ESCAP) to support projects that promote interregional cooperation among stakeholders in Asia and Latin America on: trade and investment promotion; science, technology and innovation; infrastructure and transportation; public policies and public-private partnerships for sustainable growth; and public policies to reduce inequality and improve social cohesion.

91. Over the past decade, the countries of Latin America have participated in the implementation of 1,475 South-South cooperation initiatives and 159 triangular cooperation initiatives, with 101 regional South-South cooperation initiatives having been developed in 2015 and the engagement of Latin American countries in at least 378 South-South cooperation initiatives with other regions of the world.[9]

92. Since the inception of the Buenos Aires Plan of Action, the use of the South-South cooperation modality in Africa has gained general acceptance and is being systematically mainstreamed.

93. At the regional level, the African Union has developed a number of continental technical institutions in line with the recommendations in the Buenos Aires Plan of Action on the pooling of resources for collective self-reliance.

94. During the same period, a number of regional economic communities were created in Africa, including the Economic Community of West African States, the Economic Community of Central African States, the Common Market for Eastern and Southern Africa, the Intergovernmental Authority on Development, the East African Community and the Southern African Development Community, all of which have the aim of gradual integration to promote economic development in the various subregions.

95. The creation of the World Trade Organization, the rise of a number of developing countries such as Brazil, China and India as emerging economies, and the creation of the African Union have generated new impetus for the implementation of the Buenos Aires Plan of Action in Africa. Aspects of the Plan of Action that were once overlooked have become more visible, as in the case for economic cooperation among developing countries.

96. In Africa, many countries have embraced economic cooperation among developing countries, the second pillar of South-South cooperation. Consequently, flows of investment among African countries have increased. Such intra-Africa investment has come mostly from the private sector and in some cases from parastatal entities. Some countries have also combined both technical and economic cooperation among developing countries through their development agencies, development funds

[9] Ibero-American General Secretariat, "Report on South-South Cooperation in Ibero-America 2017". Available at https://www.unsouthsouth.org/2017/12/18/report-on-south-south-cooperation-in-ibero-america-2017/.

and private investments. For example, South Africa has used its African Renaissance and International Cooperation Fund for technical cooperation to support peace and security operations in Burundi and the Democratic Republic of the Congo, conserve cultural heritage in Mali, and to implement development projects in Guinea and the Central African Republic, and capacity- and institution-building projects in South Sudan.

97. The transformation of the Organization of African Unity into the African Union clearly marked the will of African leaders to accelerate their continental integration agenda. A number of institutions have been created to that end, some with clear development objectives, such as NEPAD, and others for governance review purposes, such as the African Peer Review Mechanism. Protocols for the establishment of the African Monetary Fund and the African Investment Bank have been adopted by the Assembly of the African Union with a view to deepening economic and financial integration.

98. The adoption of Agenda 2063 by African countries has increased the readiness of African countries and the continent as a whole to embrace more South-South cooperation initiatives and activities. Indeed, Agenda 2063 and its first 10-year implementation plan (2014–2023) have brought to the fore a new level of clarity in the objectives Africa has set for itself. African programmes on industrialization, such as the Action Plan for Accelerated Industrial Development of Africa; on infrastructure, such as the Programme for Infrastructure Development in Africa; on agriculture, such as the Comprehensive Africa Agriculture Development Programme; as well as major agreements recently signed on the African Continental Free Trade Area and the Single African Air Transport Market, clearly indicate that Africa is ready for South-South cooperation on new terms on the continent and with other regions.

99. External factors also have also contributed to the evolution of the implementation of the Buenos Aires Plan of Action. A number of partnership agreements between Africa and major developing countries have been developed under the auspices of the African Union. Cooperation between Africa and China has been piloted through the Forum on China-Africa Cooperation. Through the Forum, discussions have been held collectively, while implementation has been carried out between individual African countries and China. The collective bargaining strategy used in the Forum has persuaded partners to be more attentive to the requests made by African countries.

100. Cooperation between the African Union and the League of Arab States has been modelled on that between the African Union and European Union, wherein cooperation between the two regions follows a similar pattern of collective bargaining and country implementation.

101. The creation of the India-Brazil-South Africa Dialogue Forum and the collective known as BRICS (Brazil, Russia Federation, India, China and South Africa) has brought new opportunities for South-South cooperation to African countries. While the Dialogue Forum has largely focused on technical cooperation activities with development impact, BRICS institutions, including the New Development Bank, will provide African countries the possibility of accessing another source of financing through loans.

102. South-South cooperation is one of the important drivers of regional cooperation in Asia and the Pacific and has resulted in increased volumes of South-South trade, foreign direct investment flows and technology transfers. Middle-income developing countries, as cooperation providers, have significantly influenced the landscape of South-South cooperation in Asia and the Pacific and beyond. The region has a mix of international development cooperation players, including China and India, the region's economic powerhouses. The diversity in levels of development across the

region provides unique opportunities for mutually beneficial cooperation between countries and for mutual learning.[10]

103. Modalities of South-South cooperation in Asia and the Pacific include funding and technical assistance (in-kind assistance) aimed at developing human and institutional capacities, by building expertise and knowledge, providing training and advisory services, and carrying out study visits and technology transfers. The greatest strength of South-South cooperation has been its diversity of forms and flows. For that reason, rather than have a one-size-fits-all approach, cooperation must be carefully crafted and tailored to the needs of partner countries.[11]

104. Several development cooperation arrangements exist in Asia and the Pacific, most significant among which are the Association of Southeast Asian Nations (ASEAN), the South Asian Association for Regional Cooperation, the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation, the Bangladesh-Bhutan-India-Nepal Initiative and the Pacific Islands Development Forum.

105. In Asia and the Pacific, subregional cooperation arrangements could serve as entry points for scaled up South-South cooperation. To that end, the United Nations Office for South-South Cooperation is cooperating with the ASEAN secretariat and the Asia-Pacific Regional Coordination Mechanism of ESCAP to document South-South cooperation among ASEAN countries, with a view to extending such mapping to other subregional cooperation arrangements.

106. The Arab States tend to see South-South cooperation as a more cost-effective option compared to traditional models of cooperation and have historically asserted themselves as proponents of the South-South model of cooperation. That has been expressed through the creation of cooperation mechanisms, regional development banks, funds and other financial instruments for development.[12]

107. While some countries in the Arab States region have high per-capita incomes, others are middle-income countries or least developed countries. Traditionally, more than 80 per cent of Arab South-South cooperation has involved other Arab States through bilateral, regional and multilateral channels. Outside the region, Africa and Central and Eastern Europe are the main partners.

108. South-South cooperation and triangular cooperation undertaken by Arab States typically involves middle-income countries and least developed countries. Collaboration in the region is delivered mainly through training, study tours and other knowledge-sharing initiatives that help to build the capacity of partners to take leadership of their own development pathways. Structured capacity-building initiatives are increasingly being prioritized through regular funding, long-term relationships, knowledge transfer and other instruments for capacity development.

109. Public-private partnerships and specialized funds also feature among the main instruments used to facilitate South-South cooperation in the Arab States region. While economic cooperation remains solidly at the forefront, cooperation is also moving forward in social sectors, with opportunities emerging to forge substantive and operational links between the two.

[10] Economic and Social Commission for Asia and the Pacific, "South-South Cooperation in Asia and the Pacific: A brief overview" (Bangkok, 2018). Available at https://www.unescap.org/events/regional-south-south-cooperation.

[11] Ibid.

[12] United Nations Office for South-South Cooperation "South-South and triangular cooperation: Towards sustainable human development in the Arab States", (2017). Available from http://www.arab-ecis.unsouthsouth.org/2017/11/27/south-south-and-triangular-cooperation-towards-sustainable-human-development-in-the-arab-states/.

110. The European Union recognizes the potential that South-South and triangular cooperation offer for poverty eradication and sustainable development.

111. Pursuant to article 3.9 of regulation 233/2014 of 11 March 2014, the European Union shall support, as appropriate, the implementation of bilateral, regional and multilateral cooperation and dialogue, the development dimension of partnership agreements, and triangular cooperation, as well as promote South-South cooperation.

112. Pursuant to the New European Consensus on Development, the European Union and its Member States will develop new partnerships with more advanced developing countries in order to promote the implementation of the 2030 Agenda through a broader range of cooperation. Those new partnerships will promote the exchange of best practices, technical assistance and knowledge sharing. In addition, the European Union and its Member States will work with those countries to promote South-South and triangular cooperation consistent with development effectiveness principles.

United Nations support for South-South cooperation

113. In recent decades, the United Nations system has also been strengthening its policy, programmatic and institutional support for South-South cooperation. United Nations entities have taken a number of measures to further mainstream South-South cooperation and triangular cooperation into their policy frameworks and corporate strategies towards the implementation of the 2030 Agenda. South-South cooperation now frequently appears in United Nations repositories of best practices and lessons learned and in policy and programmatic instruments. To boost their South-South cooperation initiatives, some agencies have also allocated dedicated funds and/or recruited specialists, not only at their respective headquarters, but also increasingly at the country and regional levels.

114. The framework of operational guidelines on United Nations support to South-South cooperation (see SSC/19/3), which is a tool and reference manual on ways to mainstream South-South and triangular cooperation in the planning and programming of United Nations entities, defines South-South cooperation as:

> A process whereby two or more developing countries pursue their individual and/or shared national capacity development objectives through exchanges of knowledge, skills, resources and technical know-how, and through regional and interregional collective actions, including partnerships involving Governments, regional organizations, civil society, academia and the private sector, for their individual and/or mutual benefit within and across regions. South-South cooperation is not a substitute for, but rather a complement to, North-South cooperation.

115. The framework also provides an operational definition for triangular cooperation as Southern-driven partnerships between two or more developing countries, supported by one or more developed countries or multilateral organizations, to implement development cooperation programmes and projects.

116. The most recent report of the Secretary-General on the State of South-South Cooperation (A/73/321) focuses specifically on support that the United Nations development system has provided to the South-South initiatives of Member States at the national, regional and global levels, with a view to the implementation of the 2030 Agenda and related international agreements.

117. United Nations entities are increasingly incorporating South-South and triangular cooperation into their policies and programmes that draw on the expertise, experience, technology and many other resources that are available in the developing world. Moreover, Member States are increasingly receiving support from United Nations entities to convene South-South policy dialogues, which serve as a wellspring

of ideas on how best to eradicate poverty and address other internationally agreed development goals.

118. Whereas most United Nations entities and Member States coordinate projects on an individual basis, the extended mandate granted to the United Nations Office for South-South Cooperation has resulted in the establishment of a United Nations system-wide mechanism to mainstream those efforts and to ensure coherence and better coordination. That not only allows for increased and more effective South-South cooperation, but also supports Member States and United Nations entities in communicating information on the impact and contribution of South-South cooperation to the achievement of the Sustainable Development Goals.

119. Frameworks for development cooperation that have been implemented in programme countries, such as the United Nations Development Assistance Framework and United Nations country programme action plans, are important instruments for planning development activities. United Nations country teams are already using those instruments to strengthen South-South and triangular cooperation activities, but Member States are asking for a scaling up of such activities, with a view to developing national and subnational capacities through the use of local resources, exchanges of national and international experts, and activities to strengthen institutions.

120. Despite making considerable progress in its support for South-South cooperation, reviews of the United Nations system in that regard have called for enhanced coherence in policies and approaches. The General Assembly, in its resolution 72/237, requested the Chair of the United Nations Development Group to make specific recommendations on additional support that United Nations system organizations and all States could provide for South-South and triangular cooperation.

121. In that resolution, the General Assembly also requested the establishment of a more formalized and strengthened inter-agency mechanism, coordinated by the United Nations Office for South-South Cooperation. The aim would be to galvanize and further mainstream joint support for South-South and triangular initiatives and to share information on development activities and results achieved by various organizations through their respective business models in support of South-South and triangular cooperation.

122. The United Nations Office for South-South Cooperation has established an inter-agency mechanism that will coordinate the preparation of the United Nations system-wide strategy and the contribution to the second High-level United Nations Conference on South-South Cooperation. More than 30 United Nations entities have already designated South-South focal points, who will work to strengthen inter-agency information flows, share best practices and discuss legal frameworks and funding mechanisms.

Scaling up United Nations support for South-South cooperation

123. Member States, having noted that the increased involvement of the United Nations system in South-South and triangular cooperation has brought significant results, have nevertheless called for the further alignment and strengthening of its capacity in order to further improve impact evaluation and learning mechanisms. That can be achieved through mainstreaming South-South cooperation as an implementation modality within the United Nations development system.

124. The United Nations Office for South-South Cooperation has a critical role to play in further advancing and strengthening South-South and triangular cooperation through mobilizing the collective efforts of developing countries. The leadership and United Nations system-wide coordination role of the Office was appreciated by

respondents to questionnaires administered as part of the progress report on the recommendations contained in the review of South-South and triangular cooperation in the United Nations system that was conducted by the Joint Inspection Unit (A/73/311/Add.1). Suggestions were made therein for enhancement in two main areas: resource mobilization and knowledge-sharing.

125. Member States recognize the need to mobilize adequate resources for enhancing South-South and triangular cooperation, and therefore call for strengthened support from all development partners for the United Nations Fund for South-South Cooperation, the India, Brazil and South Africa Facility for Poverty and Hunger Alleviation, the India-United Nations Development Partnership Fund and the Pérez-Guerrero Trust Fund for South-South Cooperation. In that regard, the United Nations Office for South-South Cooperation and relevant entities should provide technical support and guidance to developing countries in order to facilitate their access to those funds. They further call upon all relevant United Nations organizations to consider increasing allocations of human, technical and financial resources in support of South-South cooperation.

126. The United Nations has been identified as being able to bridge financial and non-financial modalities of cooperation by working with South-South development cooperation partners, international financial institutions and other sources of financial support. The United Nations system can encourage other modalities of development cooperation in order to help other countries benefit from Southern providers and to mobilize more resources for the implementation of the 2030 Agenda. Moreover, the United Nations system can help in closing inequality gaps between and within countries when promoting other forms of cooperation.

127. Having noted that the private sector possesses the financial means, the human resources and the technological and innovative capacities to transform global challenges into inclusive and sustainable business opportunities, the United Nations system has been encouraged to consider the participation of new actors, including the private sector, to support the implementation of the 2030 Agenda.

IV. Conclusions and recommendations

128. In order to achieve the ambitious goals of the 2030 Agenda, the contribution of all stakeholders and the utilization of all means are required. South-South cooperation is poised to play an ever-increasing role in sustainable development, and countries of the South and the North are encouraged to further step up their efforts to match the potential of South-South and triangular cooperation.

129. South-South cooperation is reshaping the global cooperation architecture for sustainable development, and many countries of the South, with their enhanced productive capacities and their contribution to the global economic growth, trade and investment, have become important players in the global economy and providers of international cooperation for sustainable development.

130. South-South cooperation has embraced a multi-stakeholder approach that brings together Member States, including their local constituents, the United Nations system, the private sector, civil society organizations, philanthropic organizations, academia and other actors, with the aim of mobilizing all available resources and partnerships in line with the national development strategies and plans of Southern countries. The capacity of the United Nation to support South-South cooperation should be further strengthened and aligned with the priorities of national Governments.

131. While the contribution of South-South cooperation to the achievement of the 2030 Agenda has been recognized globally, evidence of its impact is limited since

reporting in that regard has not been carried out systematically. The establishment of a voluntary reporting mechanism by Member States to the High-level Committee on South-South Cooperation could play a major role in mapping, documenting and sharing experiences and best practices, as well in fostering partnerships. The adoption of agreed methodologies for and approaches to reporting, while taking into account the specificities and different modalities of South-South cooperation, will enhance comparability and peer-learning among developing countries. I encourage Member States to explore the possibility of engaging in consultations towards the adoption of common conceptual frameworks and common methodologies for voluntary reporting while respecting the diversity of national approaches to South-South cooperation. That will facilitate the assessment of the impact of South-South and triangular cooperation with the ultimate objective of furthering their contribution to sustainable development.

132. United Nations entities continue to leverage their support for South-South cooperation through its mainstreaming into their corporate strategies and operations that are aimed at assisting in the implementation of the 2030 Agenda. United Nations agencies, funds and programmes are also increasingly allocating dedicated funds and human resources to boost their South-South cooperation initiatives at the headquarters, country and regional levels. To enhance the United Nations support for South-South cooperation and triangular cooperation towards achieving the 2030 Agenda, I have asked the United Nations Office for South-South Cooperation to prepare a United Nations system-wide South-South cooperation strategy. The preparatory process for the second High-level United Nations Conference on South-South Cooperation, its deliberations and its outcome document will provide further guidance for the development of the finalized system-wide strategy before the end of 2019.

133. As South-South and triangular cooperation become more dynamic and expand in scale, scope and complexity, and as the number of actors multiply, the demand for enhanced coordination, advocacy and partnerships will also increase. In that context, it is of paramount importance to reinforce the institutional set-up of South-South and triangular cooperation at all levels. I call upon Member States to consider strengthening the United Nations Office for South-South Cooperation as a separate entity within UNDP, given its mandate as the United Nations focal point to coordinate, facilitate and promote South-South and triangular cooperation globally and on a United Nations system-wide basis, and its pivotal role in mainstreaming and integrating South-South and triangular cooperation into development strategies and in furthering South-South and triangular cooperation as important modalities of international cooperation for sustainable development (see A/67/39).

134. Triangular cooperation complements South-South cooperation by supporting adapted, innovative and flexible solutions to overcome today's most pressing environmental, economic and social challenges, and by ensuring sustainable development in Southern countries. It can also assist in delivering impactful development cooperation by creating strong, horizontal partnerships for sustainable development results. There is a need to better understand triangular cooperation, to determine its relative merits among the range of instruments and modalities of sustainable development, and to provide more evidence and rigorous information on its scale, scope and impact.

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Status of implementation of the information and communications technology strategy for the United Nations

Report of the Secretary-General

Summary

The information and communications technology (ICT) strategy (A/69/517) is a five-year road map designed to ensure that ICT supports the core work of the United Nations in the areas of peace and security, human rights, international law, humanitarian affairs and sustainable development. With solid progress made to date, the emphasis going forward will be on the digital agenda; innovative solutions and analytics; mainstreaming Umoja; continuing efforts to harmonize applications; strengthening information security capabilities as threats continue to grow; and global sourcing and global asset management initiatives. The goal of the strategy to better leverage ICT as a strategic enabler is fundamental to the Secretary-General's management reforms (see A/72/492 and A/72/492/Add.2). The present report provides a comprehensive update on the status of key initiatives and commitments contained in the strategy and includes an update on the status of implementation of the recommendations of the Board of Auditors contained in its report on the implementation of the strategy (A/73/160).

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I. Introduction

1. The information and communications technology (ICT) strategy (A/69/517), endorsed by the General Assembly in its resolution 69/262, in 2014, established a common vision for ICT delivery in the United Nations through modernization, transformation and innovation, founded on a framework of improved governance and an effective balance between central leadership and operational freedom.

2. The five-year plan to simplify and optimize technology offerings as a precursor to transforming the way in which the United Nations uses technology, from a utility to a strategic enabler, was established:

(a) To overcome silos by creating an environment in which interoperability allows information to flow effectively throughout the Organization, facilitating coherent and integrated mandate implementation;

(b) To ensure that ICT is leveraged as a critical operational and strategic enabler for the work of the United Nations;

(c) To protect the United Nations from the rapidly escalating cybersecurity threats to mandate delivery and to the Organization itself.

3. Since the endorsement of the strategy, the modernization and transformation of the ICT landscape across the Secretariat have created an environment conducive to innovation.

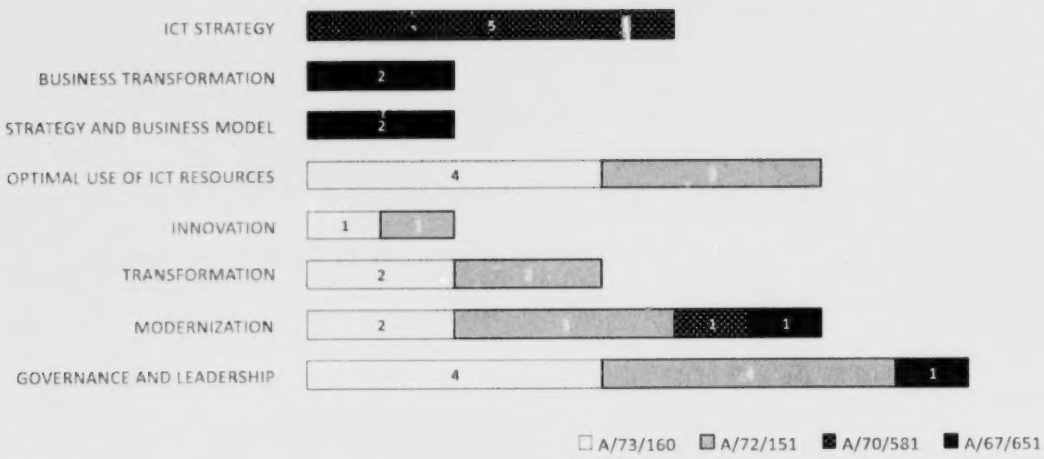
II. Status of implementation of the recommendations of the Board of Auditors

4. During the reporting period, the implementation of the ICT strategy was audited by the Board of Auditors. Its first annual progress report (A/72/151) was issued in July 2017 and its second (A/73/160) in July 2018.

5. In its annual audit of ICT in the Secretariat, the Board identified a lack of coherence in ICT globally, identifying it as an impediment to the implementation of the ICT strategy.

6. The Board made 37 recommendations from its first audit, in 2012 (see A/67/651), to the year ended 31 December 2017, 36 of which were accepted and 1 partially accepted by the Administration. Of the 37 recommendations, 10 were assessed by the Board to be fully implemented and 1 was overtaken by events. A total of 26 outstanding recommendations are linked to the ongoing implementation of the ICT strategy and are under implementation. In its second annual progress report, the Board added 13 recommendations covering several key ICT areas, as shown in the figure below.

Status of open recommendations of the Board of Auditors



7. The Office of Information and Communications Technology is working with offices, departments and field missions to continue the progress made in 2018, during which 27 per cent of pending recommendations were implemented. It is expected that, while some of the recommendations will be addressed when the ICT strategy has been fully implemented, progress can be made in implementing many of the existing recommendations beforehand.

III. Overview of implementation of the information and communications technology strategy

8. The improvements made to the ICT landscape throughout the Secretariat in the first four years of implementation of the strategy indicate that the ultimate long-term goal of comprehensive, reliable and efficient ICT in the United Nations is achievable.

9. The ICT infrastructure and architecture are running more smoothly, and improvements have been noted in operations and service delivery. Many new ICT policies have been put in place. Critical support has been delivered for the deployment of the enterprise resource planning system, Umoja, and enterprise systems are more secure.

10. The number of legacy applications has been reduced by more than half. In addition, the deployment to the entire Secretariat of Unite Mail and a suite of Microsoft Office 365 tools, including Skype for Business and OneDrive, will facilitate the decommissioning of IBM Notes applications.

11. The global wide area network, "One United Nations" network, facilitates a centralized monitoring function, supports the ICT infrastructure and enables standardization. The number of data centres, servers, websites and networks, and costs and resources, have all been reduced. The Unite Service Desk offers round-the-clock support for a growing number of enterprise applications.

12. The digital agenda focuses on innovative solutions and analytics, frontier technologies and cybersecurity to address the decision of the General Assembly to strengthen the use of ICT to facilitate the work of the United Nations in the areas of

peace and security, human rights, the rule of law, social and economic development and humanitarian affairs. In this regard, through collaboration with the offices, departments and field missions responsible for these mandate areas, significant progress has been made in the strategic use of technology, as well as in the provision of advanced analytics solutions.

13. The Department of Management undertook projects in collaboration with the United Nations Human Settlements Programme (UN-Habitat) related to smart cities, which use various types of electronic data collection sensors to supply information used to manage assets and resources efficiently. It also collaborated with the Department of Field Support and the Department of Peacekeeping Operations to deploy to field operations critical systems that support the management of contingent-owned equipment, fuel and rations.

14. Innovative use of technology is progressing through the implementation of awareness-raising programmes, crowdsourcing solutions and predictive modelling applied to the substantive work of the Organization.

IV. Modernization and transformation: update on key initiatives

A. Enterprise support: Umoja

15. As part of Umoja mainstreaming efforts, the Office of Information and Communications Technology continues to work in close collaboration with the project team.

16. In its resolution 72/262 C, the General Assembly endorsed the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions (see A/72/7/Add.51), including the expectation of the Advisory Committee that the Secretary-General would provide further information in his next report regarding the measures taken to ensure the protection and confidentiality of the data contained in the Umoja system.

17. The Office has therefore defined generic information security control objectives, provided general guidance and set institutional policy in protecting personal and other sensitive data in Umoja systems. It is focused on strengthening the following areas:

(a) Infrastructure-related aspects such as the provision of secure networking and hosting and the "Umoja access layer", which provides a secure virtual environment to separate users' devices from the application;

(b) Unite Identity credentials for authentication;

(c) Umoja-specific vulnerability reduction through assessments using specialized tools;

(d) Follow-up on reported or suspected vulnerabilities and incidents.

18. These efforts are complemented by those of the Umoja project team, which supports the user access provisioning process. That process, through which enterprise roles and workflows are provisioned and deprovisioned for Umoja functional end users, is undertaken in collaboration with functional process experts who define the business functions and the level of access required, with the aim of establishing the most efficient and secure model for the provision of access and role assignment.

19. The Umoja team also seeks to proactively prevent the inappropriate combination of enterprise roles, to support the appropriate segregation of duties in the Organization.

B. Shared platforms: Enterprise Application Centres

20. The ICT strategy proposed an enterprise delivery framework that included enterprise application centres in New York, Vienna and Bangkok. The Enterprise Application Centres continue to coordinate and lead the global development and support of legacy applications, which resulted in the reduction of the number of applications from 2,340 in July 2014 to 1,140 in July 2018.

21. The reduction was achieved through the consolidation of functionalities with existing enterprise applications and standardized platform-based solutions such as iNeed, Umoja, Inspira, Unite Docs, Unite Connections and standard field systems, as well as through the decommissioning and retirement of obsolete systems. The Enterprise Application Centres continue to reduce the number of legacy applications through collaborative efforts with departmental and local ICT entities, using established governance bodies and standard technical procedures.

22. The Office of Information and Communications Technology continues to deliver administrative support systems that complement Umoja. The Unite Docs and Unite Connections platforms have replaced hundreds of local document repositories, databases and shared drives with standard, enterprise-class solutions. Many legacy systems have been retired and moved to the two more modern and secure platforms. The Office continues to work closely with the Archives and Records Management Section to facilitate and improve records management. The Office will also continue to expand the use of Office 365 applications in support of content management and collaboration activities.

23. The Enterprise Application Centre in Bangkok has developed and operates several enterprise applications that support the programmatic work of the Organization. These include:

- iLearn: an online training platform, mostly for public users, to support the programmatic mandates of the United Nations agencies, funds and programmes. More than half a million people in 190 countries have used the platform since it was deployed in 2016.
- Sendai Framework monitoring to support the United Nations International Strategy for Disaster Reduction: the framework encompasses global targets and priorities for actions to prevent new and reduce existing disaster risks (understanding disaster risk; strengthening disaster risk governance to manage disaster risk; investing in disaster reduction for resilience; enhancing disaster preparedness for effective response) and to "build back better" in recovery, rehabilitation and reconstruction.
- Phase 1 of the project was completed in February 2018 and phase 2 in July 2018. The Centre is currently working with the United Nations Office for Disaster Risk Reduction on phase 3.
- Knowledge portal on the Sustainable Development Goals for the Economic and Social Commission for Asia and the Pacific: a one-stop online service providing access to tools, knowledge products, expertise, advice and opportunities for peer learning and regional South-South cooperation through thematic areas, covering a multitude of topics related to the Sustainable Development Goals.

C. Information security and disaster recovery

24. The Secretariat continues to maintain and refine the Organization's information security programme on the basis of the main elements elaborated in its information

security road map. As part of its efforts to coordinate and promote inter-agency collaboration in this field, the Office of Information and Communications Technology is currently chairing the Information Security Special Interest Group and hosted the annual symposium.

25. The threat level is intensifying, with evidence of multiple sustained cyberattack campaigns against the United Nations, some of which have led to significant breaches. In addition to numerous generic attacks and probes of the Organization's ICT systems, targeted and highly customized attacks have been detected and largely mitigated.

26. The scale and complexity of these threats and attacks continue to grow. On average, each week more than 35,000 emails containing malicious links and/or attachments are blocked globally; more than 500 advanced targeted email-based threats containing previously unknown malicious links and/or attachments are blocked globally; and more than 2.5 million malicious Internet connections are blocked globally.

27. The General Assembly, by its resolution 72/262 C, stressed the need for assurances regarding the Organization's data. The cloud computing initiative has also provided an opportunity to deploy additional protection and authentication mechanisms and the potential for significantly improved central logging and analysis of security-related information. However, the initiative also requires modifications to the information security framework, the enhancement of technical skills for cloud-based operations support and security testing and additional capacity to provide guidance to application developers to deploy cloud-based solutions with an adequate level of security controls to meet requirements for cloud-based hosting.

28. The Regional Technology Centres, in collaboration with the global information security function, continue to implement pending initiatives of the 10-point action plan, such as network segmentation, the ongoing review of user access permissions and the review of minimum-security requirements for websites. All major ICT systems and resources that undergo major changes are subject to an information security assessment prior to release in production.

29. A Secretariat-wide information security global incident response team is being established to harmonize information security incident response plans and related procedures, institute global information security incident reporting and allow for the global sharing of lessons learned. In addition, vulnerability management processes are being institutionalized in order to establish a regional process of maintaining awareness and distributing information about published technical vulnerabilities.

30. The workload related to performing assessments of systems and applications and responding to reported vulnerabilities has significantly increased, with some assessments needing to be outsourced to third parties. In the first half of 2018, the Office performed 28 information security assessments and responded to more than 50 vulnerabilities.

31. With the intensifying cyberthreats, as detailed above, it is critical that the United Nations ensure a consistent and harmonized approach to information security across the entire Secretariat. This is proving increasingly challenging in the current context, with information security becoming an important dimension of the work of the United Nations. The span and scale of responsibility in this area have grown significantly, primarily as a result of the escalating information cybersecurity threat landscape. Therefore, an urgent and commensurate change in the handling by the United Nations of cybersecurity is required, and additional resource requirements for cybersecurity may be presented to the General Assembly as appropriate.

32. Owing to the concentration of field mission activity in Africa, it is proposed that an increase in capacity be focused on and integrated with the existing regional capacity in the region in order to provide dedicated resources for vulnerability management, threat management, monitoring and security events management, incident response, information security architecture, information security assessments and certifications, information security policy development and outreach and awareness.

D. Enterprise Data Centres

33. The Office of Information and Communications Technology, together with the Department of Field Support, developed a cloud computing strategy in early 2018. Cloud computing allows for on-demand and pay-per-use delivery of computing resources by using a network of remote servers hosted on the Internet to store, manage and process data.

34. Cloud computing will enable the Organization to become more responsive and agile to business demands, scale services seamlessly, show cost transparency, reduce risk and shift ICT staff to high-value tasks such as information security and enterprise architecture.

35. A hybrid model of on-premise (private cloud) and third-party (public cloud) services has been selected. Such a model allows the workload to move between public and private clouds as computing needs and costs change and ensures that the United Nations capitalizes on cloud computing benefits, while preserving specialized applications critical to the Organization's work.

36. The implementation will be phased over time across cloud maturity levels and the readiness of personnel and applications. Project governance has been established in accordance with the United Nations project management framework, including appropriate oversight and risk management. Two third-party vendors have been selected.

37. Teams consisting of staff from the Office and the Department of Field Support have been formed in key thematic areas to lead the development of the solution architecture model with vendors. Pilot projects to be implemented by the end of 2019 include the migration of over 40 applications and the secondary data-centre capability into the cloud, allowing strengthened security, resilience and disaster recovery in multiple locations in a cost-neutral manner.

E. Digital workplace

38. To date, over 55,000 users have been migrated to Office 365 throughout the Secretariat and peacekeeping missions in collaboration with the Department of Field Support. The implementation of additional tools to increase effective communication, collaboration and networking is in progress.

39. Furthermore, a mobile management solution that allows information technology administrators to control, secure and enforce policies on smartphones, tablets and other end-point devices is being piloted. A bring-your-own-device programme will be established, allowing staff to use personal mobile devices to access organizational data and applications.

F. Unite Service Desk

40. The Unite Service Desk provides round-the-clock service from Bangkok, Nairobi, Geneva, New York and Brindisi, Italy. The number of global enterprise applications and services supported by the Unite Service Desk had increased to 36 as at June 2018. In addition, the Unite Service Desk further consolidated activities, and its continued focus on achieving operational efficiencies resulted in significant benefits, including:

(a) A decrease in the average resolution time by more than half, from 105 minutes to 48 minutes, and in the average lifetime of a service request from five days to four;

(b) An average customer satisfaction rate of 88 per cent.

G. Regional Technology Centres

41. The four Regional Technology Centres, established in 2015, ensure that governance, standards, policies and procedures, as well as information security and architecture requirements, are met within each region and that user experience remains consistent across the regions.

Harmonization of ICT service delivery

42. The Regional Technology Centres continue to consolidate ICT infrastructure and operations by working collaboratively with entities that are not managed by the Secretariat but have offices housed in Secretariat campuses. In New York, a review of applicable ICT policy controls was conducted, and recommendations are being implemented to achieve full compliance. The other Regional Technology Centres will replicate that approach.

43. Further service delivery improvements will be achieved by harmonizing and improving ICT service delivery and ensuring a consistent user experience across the Secretariat. An effort is under way to create a unified global ICT service catalogue and provide quarterly service provider performance reports, which will enable a service-level comparison and improvements across entities.

44. Global monitoring of infrastructure managed in New York is being refined in collaboration with the Department of Field Support, and plans are under way to incorporate offices away from Headquarters and regional commissions into a single platform. Furthermore, plans are under way to establish and institutionalize service management processes for design, transition, operation and continuous improvement across the network component life cycle.

45. The Department of Field Support issued its field technology framework, which sets the vision for the development of ICT in support of United Nations peace operations over the next five years (2018–2023) and fully aligns field ICT operations with the ICT strategy. The Regional Technology Centres complement the framework.

46. The framework will be reviewed annually, with progress reported as part of the ICT strategy implementation. The framework has been developed in the context of continual environmental changes faced by field missions, the increase in physical security threats, the expanding role of technology in force protection and situational awareness and the ever-increasing complexity of mandates and operating environments.

47. The framework identified two operational objectives: to optimize current core ICT operations and to reposition field ICT to become the effective delivery vehicle

for cross-cutting new and innovative technology solutions in support of mandate implementation.

H. Better solutions: global engineering and conferencing

48. A global event-booking management system, a tool to be used by all Secretariat entities and peacekeeping missions for videoconference coordination and support, has been rolled out in missions in collaboration with the Department of Field Support. Integration of Secretariat entities is planned by the end of 2018.

49. Serious issues with ageing videoconferencing equipment make these critical systems prone to ongoing failure. A videoconferencing infrastructure study of all Secretariat sites was completed in 2017. Based on the findings, investment is needed to refresh ageing equipment. Resource requirements may be proposed in the context of the appropriate budget.

50. By the end of 2018, a global universal bridge solution, offering a follow-the-sun support model, will have been rolled out. Such a solution will allow the users to internally or externally connect to United Nations-hosted videoconferences using a standard room-based videoconference unit, a web browser, a mobile device, the telephone system or a combination thereof. The integration with Office 365 will be piloted and rolled out in 2019, following a successful proof of concept.

I. Business intelligence and analytics

51. The need for improved decision support and transparency in decision-making continues to drive demand for analytics and business intelligence solutions. Effective analytics is underpinned by effective data governance; the Office continues to provide technology solutions for the global community of business intelligence practitioners.

52. The Office of Information and Communications Technology provided technology solutions and data services for the development of business intelligence reports and dashboards across the functional areas of finance, human resources and travel, providing a more sustainable and better-governed use of Umoja data for reporting purposes.

53. A field business intelligence road map is being implemented to empower users in local business units to create their own dashboards and analytics products, thus simplifying and decentralizing decision-making. Some 300 users in the field have been trained on producing business intelligence products, and dashboards have been produced and shared, with the numbers of active users growing by 15 per cent each month.

54. A situational awareness technology platform is being piloted in the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, bringing together a suite of standardized technology solutions to enable the management of the information cycle within field missions to enable both crisis and medium-term decision-making. Information security has been strengthened through the launch of a compliance website and a training and certification track to develop the skills required in field operations to support effective operational cybersecurity.

V. Innovation: leveraging technology innovation

55. The second phase of the ICT strategy focuses on the use of technology innovation to support the substantive work of the United Nations. The strategy,

endorsed by the General Assembly, has proved correct in its recommendations on how technology and innovation should feature in the work of the Organization, stressing that it is inevitable that innovation will play an important role in the strategy to better assist in the delivery of the United Nations mandates and in supporting the post-2015 development agenda and that the Organization should expect ICT to be open to new advances in, and development of, technology to support the substantive work of the United Nations.

56. As highlighted in the previous report, the growth of the Internet, increased global connectivity and new technological developments offer the United Nations unprecedented opportunities to engage technology and data to support its mission and to better reach those that it serves. Technology innovation will be critical in empowering work in such areas as sustainable development, peace and security, human rights, international law and humanitarian affairs.

57. The General Assembly had decided in its previous resolutions that the Chief Information Technology Officer was to lead all ICT activities in the Secretariat and that, as the strategy transitioned to the innovation phase, ICT programmes supporting substantive work should become more harmonized. Enhanced coordination and coherence within the United Nations system on innovation and technology are facilitated by the Assembly's decision, by its resolution 72/262 C, to consolidate ICT and are aligned with the overall ICT strategy.

58. In response to the request of the General Assembly and the Advisory Committee for further information on the management of ICT solutions that support the substantive work of the Organization, the Office of Information and Communications Technology is increasing its efforts to support Member States in their use of data, frontier technologies and innovation. In addition, the Office is providing offices and departments of the Secretariat with tools to leverage existing and emerging technologies to increase their efficiency and effectiveness in providing services and delivering on the Organization's mandates. These initiatives are undertaken even as growing and increasingly sophisticated cybersecurity challenges are countered. In line with the overall ICT strategy, in particular the second phase of its implementation related to technology innovation, the Office has embarked on the initiatives outlined in the following sections. It is hoped that Member States will continue to support the Office's efforts to coordinate, manage and lead the efforts of the United Nations system in this regard and, in so doing, leverage the power of technology innovation in the pursuit of the Organization's objectives, particularly the implementation of the 2030 Agenda for Sustainable Development.

A. Leveraging emerging technologies to build innovative tools and solutions

59. Recognizing the potential of harnessing new technologies such as artificial intelligence, machine learning and blockchain to find solutions that can improve efficiency, effectiveness and mandate delivery, the Office of Information and Communications Technology has created a broad suite of innovative technology solutions for use by the United Nations system and Member States.

60. To enhance the cybersecurity of the United Nations system, including protection against cyberattacks, the Office has launched the Digital Blue Helmets programme, which provides the United Nations system with a common platform for rapid information exchange and better coordination of protective and mitigating measures against information technology security incidents that have an increasing impact on the mandates and programmatic work of the Organization.

61. The Office has also provided similar technological support to Member States in developing useful innovations to support the work of the United Nations in various areas. The Enterprise Application Centre in Vienna, working in partnership with the United Nations Office on Drugs and Crime, has helped to build sustainable and affordable information technology solutions to support Member States in fighting organized crime, including transnational organized crime, illicit drug and other forms of trafficking, terrorism and corruption. In particular, the "goPortfolio" software solutions are offered directly to many Member States, so that their agencies and national administrations can better gather, analyse and disseminate data and information, in order to facilitate their formulation of policies and strategies.

62. Demand for the United Nations to provide cutting-edge yet neutral and secure technology innovations that address global challenges, particularly in the implementation of the 2030 Agenda, will only increase. The Office's Global Services Division aims to respond accordingly, playing an active role in catalysing partnerships and embracing technology innovation.

B. Technological innovations to address global challenges

63. In order to create an enabling environment to develop useful technological tools with which to address global issues, the Office of Information and Communications Technology has begun working with interested Member States on the establishment of United Nations Technology Innovation Labs, which will use cutting-edge frontier technologies to pioneer open-source technological solutions to global humanitarian, sustainable development, climate change and peace and security challenges. They will work as incubators and accelerators to foster collaborative problem-solving between the United Nations system, the private and public sectors, academia and civil society, with solutions that can then be scaled up and implemented to address global challenges. The programme includes advisory support and guidance through hands-on workshops, immersion learning, incubation for projects, crowdsourcing and partnerships. Collectively, the network of Technology Innovation Labs will help to build a portfolio of technology solutions and support the sharing of innovative technologies to address global issues, thus supporting the delivery of United Nations mandates.

C. Catalysing new partnerships in innovation

64. Robust and innovative partnerships are critical if the United Nations is to effectively leverage emerging technology tools to deliver on its mandates. The Technology Facilitation Mechanism, mandated by the 2030 Agenda and the Addis Ababa Action Agenda, and its annual collaborative multi-stakeholder forum on science, technology and innovation for the Sustainable Development Goals are important tools in this regard and are actively supported and facilitated by the Office of Information and Communications Technology.

65. In line with the emphasis on partnerships, the Office has initiated a systematic and structured approach to partnerships that is active and forward-looking. It has established strong technology partnerships with private and public sector organizations, as well as with academia and individuals in relevant fields. Current initiatives being developed by the Office include working with private sector companies to enhance their ethical sourcing capacity through frontier technology tools, as well as developing open-source solutions on digital identity through a consortium partnership.

66. The Unite Ideas platform was also established in 2018 as a global platform to crowdsource practical technology solutions for the implementation of the 2030 Agenda. The platform has proved extremely popular, with challenges posted in the past year on such topics as armed conflict, internal displacement and cybersecurity. Many of the past Unite Ideas challenges have resulted in practical and usable solutions. Moreover, to increase awareness of emerging technologies and innovation techniques, the Office organizes "Technovation talks", briefings that are open to staff and delegates of Member States. Since 2016, 18 events have been held in English and Spanish on such subjects as blockchain, cybersecurity and virtual and augmented reality. The Office has also published primers for staff and delegates that provide an easily accessible introduction to popular frontier technology topics.

VI. Optimization: global sourcing and global assets management

67. During the fourth year of the strategy's implementation, the Office continued to collaborate with the Information and Communications Technology Division of the Department of Field Support, other Secretariat offices and the Procurement Division in efforts to accomplish global sourcing and contracts management, including the following:

(a) The procurement process for the ICT global system contract for the provision of fully managed services such as email, storage, satellite network management, service desk, task order services and integrated workforce services is currently being finalized; technical and financial evaluation is complete. It is expected that a contract will be awarded in the third quarter of 2018;

(b) An application service global system contract is being established through three delivery models, consisting of integrated workforce services, a retainer agreement and task orders. The Office of Information and Communications Technology and the Information and Communications Technology Division will benefit from this agreement in multiple locations. The statement of work is currently under review by representatives of the Procurement Division.

68. The acquisition of ICT desktop equipment has been decentralized at Headquarters. Offices and departments can purchase equipment directly from the vendor (Lenovo) by using Umoja and selecting equipment from the approved United Nations global products catalogue. The catalogue is updated every three months.

69. In accordance with the administrative instruction on the disposal of computer equipment at United Nations Headquarters (ST/AI/2001/4), departments and offices are responsible for the disposal of computer equipment at Headquarters. All desktop equipment must have its hard drive wiped clean of any data before it is donated or disposed of, and server hard drives and damaged hard drives be physically destroyed through the approved United Nations vendor for security purposes. Since the Umoja implementation, each department and office is responsible for creating a notification number in Umoja and for removing the authorization group before transferring the disposal equipment to the Office.

VII. Conclusion

70. The ICT strategy is designed to deliver a unified global provision of ICT that facilitates the core work of the United Nations. The strategy is based on the concepts of simplification, modernization, transformation and innovation, founded on a framework of improved governance, strong leadership and optimal use of ICT resources.

71. Solid progress has been made in the first four years of the strategy's implementation in transforming and modernizing the technology landscape, optimizing resources, establishing strong governance and creating a stepping stone for innovation at the United Nations.

72. In its resolution 72/266 B, the General Assembly approved the consolidation of the existing Office of Information and Communications Technology in the Department of Management and the Information and Communications Technology Division in the Department of Field Support into a new Office of Information and Communications Technology, effective 1 January 2019. The new office will report to both the Under-Secretary-General for Management Strategy, Policy and Compliance and the Under-Secretary-General for Operational Support. This rationalization of structures at Headquarters will allow a more coherent approach to the implementation of the ICT strategy and, in line with the broader shift in management paradigm, will allow for a greater consistency of approach across the Secretariat while ensuring that the myriad activities performed by organizational entities across the Secretariat are effectively supported through ICT solutions that meet their respective requirements.

73. The Office of Information and Communications Technology and the Information and Communications Technology Division are working in close collaboration on reform implementation and a change management plan for the next five years. The consolidation will bring about integrated ICT delivery and result in improved customer service. The Secretary-General will report on progress achieved in the implementation of the ICT strategy in his progress report to the General Assembly at its seventy-fourth session. As requested by the Assembly in its resolution 72/266 B, a report on the implementation of the management reform, including on the functioning of the new Office of Information and Communications Technology, will be submitted for consideration by the Assembly at its seventy-fifth session.

VIII. Actions to be taken

74. The General Assembly is requested:

(a) To take note of the status of the ongoing implementation of the ICT strategy;

(b) To note that additional requirements for information security, videoconferencing and other conference-related equipment will be further assessed and reported to the General Assembly as appropriate.

Annex I

Overview of information and communications technology resources for the bienniums 2014–2015, 2016–2017 and 2018–2019, including resources for Umoja

(Millions of United States dollars)

Biennium	*Regular budget, including special political missions*[a]	*Extrabudgetary*[a]	*Support account*[b]	*Peacekeeping missions*[c]	*Total*	*Umoja*	*Total, including Umoja*	*Annual, excluding Umoja*	*Annual, including Umoja*
2014–2015	366.4	183.0	62.8	942.5	1 554.7	111.1	1 665.8	777.3	832.9
2016–2017	392.5	184.9	57.7	851.9	1 487.0	99.0	1 586.0	743.5	793.0
2018–2019	392.5	181.5	52.8	617.8	1 376.4	77.6	1 454.0	688.2	727.0
Total ICT resources, 2014–2019	**1 151.4**	**549.4**	**173.3**	**2 412.2**	**4 418.1**	**287.7**	**4 705.8**	**2 209.1**	**2 352.9**
Total budgets for 2018–2019[d]	**5 405.1**	**21 313.4**	**601.5**	**12 952.4**	**40 272.5**	**77.6**	**40 350.1**		
Percentage of ICT resources as part of total budget	7.3	0.9	8.9	4.8	3.4	100.0	3.6		

[a] The analysis of staff costs approved for the biennium 2016–2017 and proposed for 2018–2019 captures posts in the Information and Telecommunication Technology Network, which includes the media technology, telecommunications technology and information management systems and technology job family. The analysis of non-post resources comprises non-post commitment items with regard to information technology and communications from the Umoja system. Totals do not include one-time Umoja project resources. For the regular budget, the amount for 2014–2015 reflects actual expenditure. Owing to the unavailability of information, extrabudgetary expenditure for 2014–2015 is an approximation of 2016–2017 expenditure, where applicable.

[b] Calculations for staff costs with regard to the support account are based on the standard cost applicable for the support account for peacekeeping operations and count of actual authorized posts and general temporary assistance positions in the Information and Communications Technology Division of the Department of Field Support, the Office of Information and Communications Technology, the Financial Information Operations Service of the Office of Programme Planning, Budget and Accounts and the Human Resources Information Systems Section of the Office of Human Resources Management of the Department of Management for the reporting periods.

[c] See A/C.5/68/26, A/C.5/69/24, A/C.5/70/24 and A/C.5/71/24 for amounts under communications and information technology classes of expenditure. See A/71/400, annex I, for the calculations for the staff costs with regard to peacekeeping missions for the 2014/15 period. For 2016/17 and 2017/18 periods, the staff costs with regard to peacekeeping missions are based on standard costs in peacekeeping mission budgets for staff in the ICT organizational units.

[d] See A/72/6 (Introduction) and A/C.5/71/24. For peacekeeping missions, the total budget for the biennium 2018–2019 is estimated as double the approved amount for the 2017/18 period.

Annex II

Status of projects under the information and communications technology strategy: project assurance and performance management

A. Overview of project status

Number of projects	*Status*
20	Strategic projects reported in the first progress report (A/70/364)
-7	Projects completed and moved to ongoing operations, second progress report (A/71/400)
13	Remaining strategic projects, second progress report (A/71/400)
-5	Projects completed and moved to ongoing operations, third progress report (A/72/755/Rev.1)
8	Remaining strategic projects, third progress report (A/72/755/Rev.1)
-1	Projects completed and moved to ongoing operations, fourth progress report (A/73/384)
7	Remaining strategic projects, fourth progress report (A/73/384)

Note: Of the eight remaining projects reported in the previous progress report, the enterprise business intelligence and analytics project was successfully completed in 2018 and moved to ongoing operations.

B. Projects modified on the basis of change requests

A change request was approved for the project listed below. It was made to adjust the timeline and to close the project.

Project name	*Change request description*
Enterprise business intelligence and analytics	Modified the project plan by closing phase 2 and adding phase 3. Carried forward two remaining activities from phase 2 to phase 3. Modified the project finish date from 31 December 2016 to 28 February 2018. Project was completed on 28 February 2018

C. Ongoing projects

Project name	*Description*	*Start date*	*Finish date*	*Percentage complete*	*Key milestones*
Enterprise Unite Service Desk/ consolidation	Establish a 24/7 global support centre for enterprise applications, including Umoja, Inspira, Unite Docs, Unite Connections, iNeed, Earthmed, etc. Consolidate help desks across the Organization	1 January 2015	31 December 2018	93%	Fully resourced and staffed Enterprise Service Desk (finish date: 30/09/15; complete) Technology roll-out (finish date: 30/09/15; complete) Establish funding model (finish date: 31/12/15; complete) Consolidation of help desks (finish date: 31/12/18) — support for Department of Field Support personnel and Headquarters has been consolidated. Tier 1 (field) was put on hold, based on the need to review the new model in the light of the reform
Enterprise Network Operations Centre	Establish an enterprise-level operations centre which will be globally responsible for detecting changes of state for information technology (IT) assets (event management) and determining the course of action required to return affected IT services to an acceptable level for the IT users as quickly as possible (incident management)	11 May 2015	31 December 2018	86%	Phase 1: monitoring of New York infrastructure to global Enterprise Network Operations Centre (finish date: 31/12/15; complete) Phase 2: consolidation of global Enterprise Network Operations Centre and Network Control Centre of the Information and Communications Technology Division into one enterprise monitoring solution (finish date: 31/08/17; complete) Phase 3: move monitoring of other Regional Technology Centres to enterprise monitoring (finish date: 31/12/18; in progress)
Umoja mainstreaming	Transfer responsibilities from the project to corresponding entities within the Secretariat	1 December 2013	31 December 2019	74%	Infrastructure (finish date: 07/03/19; in progress) Security (finish date: 31/12/19; in progress) Business intelligence (finish date: 31/12/18; in progress)

Project name	*Description*	*Start date*	*Finish date*	*Percentage complete*	*Key milestones*
					Applications (finish date: 31/12/19; in progress)
					Production support (finish date: 31/12/18; in progress)
					Administration (project management, contracts, human resources, budget) (finish date: 31/12/19; in progress)
Global sourcing strategy	Take inventory of all ICT contracts and assets and identify global sourcing opportunities	1 February 2016	14 February 2019	46%	Phase 1: requirements and development of requests for proposals (finish date: 31/12/16)
					– Voice and data (complete)
					– Geographic information system (complete)
					– ICT services (complete)
					– Applications (complete)
					Phase 2: solicitation and contract award for requests for proposals (finish date: 14/02/19; in progress)
Disaster recovery	Develop a Secretariat-wide disaster recovery plan to ensure that critical ICT systems can be effectively failed over in case of an emergency	1 May 2013	31 December 2016 (Phase 1)	100%	Review list of Secretariat-wide critical applications (complete)
					Revise disaster recovery estimates for critical applications (complete)
					Resubmit proposal for disaster recovery for Senior Emergency Policy Team approval (complete)
					Develop individual disaster recovery plans for critical applications (finish date: 31/12/2016; complete)
		17 October 2017	28 June 2019 (Phase 2)	25%	Phase 2: disaster recovery exercises (finish date: 28/06/19; in progress)

Project name	*Description*	*Start date*	*Finish date*	*Percentage complete*	*Key milestones*
Application consolidation/ rationalization	Reduce the cost, complexity and redundancy of the applications portfolio and achieve greater alignment with organizational objectives and technology architecture. This project is the essential part of the application management strategy, which has been executed by the established Enterprise Application Centres. The number of United Nations applications to be reduced from 2,340, in July 2014, to 1,000 by 2020 through the provision of Organization-wide systems, instead of local application development	1 June 2014	31 December 2020	70%	Phase 1: develop methodology and application road maps; establish global application portfolio (complete) Phase 2: decommissioning of scheduled enterprise resource planning-related systems, launching Lotus Notes application migration and executing application rationalization road maps (finish date: 31/12/17; complete) Phase 3: reduce number of United Nations applications to 1,000 (finish date: 31/12/20; in progress)
Website consolidation/ rationalization	Increase the efficiency of the websites operations, web design and security and achieve economies of scale through strategic changes in the current operating model	2 January 2014	31 December 2020	58%	Phase 1: Develop website technology and plan (complete) Develop United Nations website consolidation solution (complete) Harmonization levels 1 and 2: address critical websites (complete) Harmonization level 3: identify and remediate websites (complete) Harmonization level 4: identify and remediate (see phase 2) Phase 2 (finish date: 31/12/20): Establish project governance; assess websites for regulatory requirements, business, technology and financial; identify issues, overlaps, improvement opportunities; develop and execute road maps for meeting compliance requirements and realize improvement opportunities for website harmonization and consolidation on common technology platform

Project name	*Description*	*Start date*	*Finish date*	*Percentage complete*	*Key milestones*
Enterprise business intelligence and analytics	Establish business intelligence and analytics processes, reports, dashboards, standardization and governance for enterprise applications. Consolidate and defragment business warehouse environments	1 January 2016	28 February 2018	100%	Develop strategy and set up Data Governance Council (complete) Define roles/responsibilities, build capacity, procure SAP HANA licences and install new business intelligence schemas (complete) Consolidate data for ICT skills assessment (complete) Develop data governance framework and information asset registry (complete) Develop pilot projects. Build capacity for Umoja business intelligence and analytics (finish date: 28/02/18; complete)
Network and infrastructure upgrade (MPLS) — "One United Nations" network	Upgrade the wide area network to accommodate existing and new enterprise applications	10 May 2013	31 December 2017	100%	Complete cluster 4 connectivity (finish date: 30/09/15; complete) Establish funding model (finish date: 31/10/15; complete) Continue to add Secretariat entities (finish date: 31/12/17; complete)

Annex III

Status of implementation of the recommendations of the Board of Auditors contained in its second annual progress report on the implementation of the information and communications technology strategy (A/73/160)

I. Implementation of the recommendations contained in the second annual progress report of the Board of Auditors (A/73/160)

The following recently issued recommendations are under implementation:

Paragraph	*Target date*	*Comments*
25	31/12/2019	In accordance with a previous recommendation of the Board, the ICT strategy component of the senior managers' compacts has been strengthened and detailed. The Secretariat will continue efforts to ensure that offices and departments follow established processes related to governance
26	31/12/2019	An ICT performance management framework has been developed
41	Ongoing	The Secretariat had established the ICT Policy Committee with representatives from offices, departments, offices away from Headquarters and regional commissions. Efforts to identify policy gaps, as well as ensure that existing policies are updated and aligned with business needs, have been strengthened
50	31/12/2018	The Office of Information and Communications Technology will work to establish and record certifications, noting that the requirements for ICT functions are established as part of a larger human resource framework
55	31/12/2019	The Office is formulating a plan to identify the functions that will require knowledge transfer and their sequence within the broader activities under way, and will identify risks and potential mitigation measures in collaboration with the Umoja project team
79	Ongoing	Efforts are under way to strengthen the visibility of ICT assets globally, supported by business intelligence. The benefits of the intruder detection system are being identified, noting that the financial quantification of intruder detection is subject to a large number of indeterminable factors and variables and therefore cannot be accurately determined. Network segmentation will be included in the appropriate budgetary context and, should resources be made available, will be implemented. Following the finalization of the privacy principles, the Office will contribute to the development of a privacy policy
101	31/12/2020	The Office has been engaged in identifying applications including those that serve similar purposes. It is expected that this effort will continue until the conclusion of the ICT strategy
108	31/12/2020	The Enterprise Portfolio Management Section will monitor through periodic meetings and ensure that timelines are altered when supported by a valid and compelling reason
114	Ongoing	The implementation of United Nations Technology Innovation Labs has been initiated and will be monitored closely to ensure effective and timely implementation

Paragraph	*Target date*	*Comments*
118	Ongoing	The Secretariat will ensure that ICT requirements are reflected in the appropriate budgetary context, in accordance with a long-term plan and in compliance with the ICT strategy
126	Ongoing	The Office continues to identify opportunities where global sourcing is optimal and will work within the Secretariat and the United Nations common system to ensure that global sourcing is implemented and available. The cost benefits arising from the use of global contracts is being monitored
127	31/12/2019	The finalization of contracts depends on several factors, including those that relate to the vendors with whom contracts are established. The Secretariat will make efforts to ensure the timely establishment of contracts; however, it is not in control of the entire process
140	31/12/2018	The Secretariat has established a plan for the replacement of videoconferencing equipment and will submit it in the appropriate budget

II. Implementation of the recommendations contained in the reports of the Board of Auditors for prior periods

The table below provides a summary of the overall situation, as at July 2018, with respect to the 37 recommendations that had been issued by the Board until the end of 2017.

Responsible department	*Total recommendations*	*Implemented*	*Not started*	*Overtaken by events*	*In progress*
United Nations Secretariat under the oversight of the Office of Information and Communications Technology	37	10	1	1	25
Percentage	100.0	27.0	2.7	2.7	67.6

A. First annual progress report of the Board of Auditors on the implementation of the information and communication technology strategy (A/72/151)

Paragraph	*Target date*	*Comments*
21	31/12/2018	The performance measures in the senior managers' compacts are being updated to be more objective and quantifiable. The designation and delegation processes are being aligned with the Secretary-General's proposals related to management reform
33	31/12/2019	Project status reports collected from project/programme managers are reviewed at monthly meetings with the Chief Information Technology Officer. Projects are tracked according to key performance indicators
40	31/12/2020	39 ICT policies, guidelines and technical procedures have been established since the formulation of the ICT strategy. Additional policies are formulated and promulgated as required. Resources for compliance are unavailable, with self-assessment focusing on information security

Paragraph	*Target date*	*Comments*
45	31/12/2020	The Secretariat is assessing the corresponding resource requirements, which will be presented to the General Assembly
50	31/12/2018	An ICT performance management framework has been developed. Resource constraints have hampered efforts to implement the framework across the Secretariat
55	Ongoing	The mandatory information security awareness training is provided to incoming staff on an ongoing basis
60	31/12/2018	The responsibility for the classification of information and data rests with the originators and owners of that information and was therefore assigned to heads of departments and offices in ST/SGB/2007/6. This requirement was reiterated by the Chief Information Technology Officer on 16 September 2016. Offices and departments of the Secretariat are responsible for ensuring compliance with standards and policy related to information security
67	Ongoing	The Senior Emergency Policy Team identified and endorsed the overarching functions that are considered critical to the Organization. The Office has established the United Nations disaster recovery planning ICT technical procedure, which details the methodology for selecting critical applications and for their inclusion in disaster recovery planning. The Team has identified 24 Secretariat applications as critical
77	31/12/2020	The Enterprise Application Centre in New York, in cooperation and coordination with the Department of Public Information and the Department for General Assembly and Conference Management, is working to establish website governance to ensure compliance with five key areas: technology, branding, multilingualism, security and accessibility for persons with disabilities, and to ensure that new public websites meet the organizational standards Designated IT focal points across the Secretariat have been instructed to update their website information and compliance in Unite Apps The Centres also coordinate application development and harmonization
86	31/12/2019	It is important to note that an accurate response requires that all "substantial tickets" are excluded from the first level, as they are outside the scope of Unite Service Desk user support activities. This step has been taken by and falls under the responsibility of the global service delivery model team with the creation of the global shared catalogue of administrative services
92	31/12/2018	The Office, in partnership with the United Nations Institute for Training and Research, is hosting a series of emerging technology education forums for diplomats and plans to offer an advanced technology skills certification course. Pilot projects for Technology Innovation Labs are under way in collaboration with partners and Member States
105	31/12/2019	A contracts management unit has been put in place within the Operations Coordination Section of the Office in support of the administration of contracts pertaining to the Office and the Information and Communications Technology Division of the Department of Field Support. The Office has established several global contracts which are used by ICT offices around the world
106	31/12/2019	A list of ICT contracts was identified globally. Progress has been made in global sourcing, and as a result economies of scales and discounts were achieved on the equipment and services procured

Paragraph	*Target date*	*Comments*
112	31/12/2021	The ICT strategy established a means of implementing ICT programmes and delivering services throughout the Secretariat as follows: • Enterprise Application Centres coordinate and lead the global replacement of legacy applications • Regional Technology Centres oversee Secretariat entities on information security, governance and risk, compliance with ICT policies and the delivery of technological solutions regionally • The Enterprise Network Operations Centre monitors all networks and data centre operations, improving visibility, uptime, performance and security • The Enterprise Data Centres deliver services in the areas of hosting, connectivity and monitoring. Enterprise systems have been strengthened and moved to the Centres • The Unite Service Desks provide 24/7 service from the five hubs in Bangkok, Nairobi, Geneva, New York and Brindisi, Italy

B. Report of the Board of Auditors on progress in the handling of information and communications technology affairs in the Secretariat (A/70/581)

Paragraph	*Target date*	*Comments*
Summary, recommendation (a)	Ongoing	The role and authority of the Chief Information Technology Officer have been addressed in the Secretary-General's bulletin on the organization of the Office of Information and Communications Technology (ST/SGB/2016/11)
Summary, recommendation (b)	Ongoing	Through annual progress reports, the Secretariat continues to assess and refine the timeline for the implementation of the ICT strategy in a dynamic manner, ensuring that the implementation plan remains realistic
Summary, recommendation (c)	Ongoing	A governance structure and appropriate delegations of authority have been established in ST/SGB/2016/11 with an additional 39 policy, guidance and technical procedure documents formulated since the inception of the ICT strategy
Summary, recommendation (d)	Ongoing	Policy compliance as well as goals related to the implementation of the ICT strategy are undertaken through the governance bodies, the Information and Communications Technology Board, the Information and Communications Technology Executive Committee and the senior managers' compacts. The Office currently has no funds to establish a compliance function to examine the area of information security and capacity. However, a self-assessment compliance function has been launched
Summary, recommendation (e)		Implemented
Summary, recommendation (f)	Ongoing	Expected costs and benefits of implementing the revised ICT strategy have been addressed with the results of the study included in A/71/400

Paragraph	*Target date*	*Comments*
Summary, recommendation (g)	Ongoing	Key elements of the ICT strategy as well as challenges and progress are presented at the Information and Communications Technology Executive Committee and the Management Committee. In addition, the implementation of the ICT strategy is included in the senior managers' compacts. Furthermore, presentation on the strategic use of ICT as well as on innovation have been delivered to senior management

C. Report of the Board of Auditors on the handling of information and communications technology affairs in the Secretariat (A/67/651)

Paragraph	*Target date*	*Comments*
20		Implemented
29		Implemented
30		Implemented
31–32	Ongoing	The Office issued guidelines to all ICT offices requesting details regarding their budget and expenditure, to be able to analyse and consolidate the data for the second progress report on the implementation of the ICT strategy. The presentation and execution of the budget remains the responsibility of heads of departments and offices
39	Ongoing	The total cost of ownership is outlined in A/72/397, paragraphs 125–133 and table 6, with regard to maintenance costs for 15 years, as well as in paragraph 42, with regard to the cost of production support. The Umoja support model is structured on three levels to best serve users and is designed to achieve self-sufficiency in each location and provide efficient processes and expertise for the resolution of incidents and the fulfilment of service requests
41	Ongoing	A new ICT strategy (A/69/517) was issued in 2014, and the General Assembly reiterated the importance of senior management engagement. The Administration is updating senior managers' compacts with goals oriented to the implementation of the ICT strategy
50		Implemented
55		Implemented
56		Implemented
68	Ongoing	The governance framework has been strengthened, with emphasis on ensuring effective delegation, clearly defined responsibilities and balancing the needs for central control with operational freedom
76		Overtaken by events
82		Implemented
92		Implemented
100		Implemented
101	Ongoing	An information security road map that transforms initiatives into programmatic activities and addresses additional risks has been developed and provided to the Board of Auditors as supporting documentation

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Missing persons

Report of the Secretary-General**

Summary

The present report, which is submitted pursuant to resolution 71/201, addresses the international legal and institutional framework applicable to the issue of missing persons, the various measures being taken to prevent people from going missing and to clarify the fate and whereabouts of missing persons, criminal investigation and prosecution in cases of missing persons, forensic recovery and identification of remains of missing persons, and the legal status of missing persons and support for families.

* A/73/150.

** The present report was submitted after the deadline in order to reflect the most recent developments.

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I. Introduction

1. In its resolution 71/201, the General Assembly requested the Secretary-General to submit to the Human Rights Council at its relevant session and to the General Assembly at its seventy-third session a comprehensive report on the implementation of the resolution, including relevant recommendations. The present report was prepared in accordance with that resolution and covers the period between 1 July 2016 and 30 June 2018. It follows the same structure as the previous reports of the Secretary-General on missing persons (A/69/293 and A/71/299), with an expanded focus on accountability. Contributions were sought from Member States, international and regional organizations, national human rights institutions and non-governmental organizations (NGOs).[1] The report also draws on public sources.

2. In resolution 71/201, the General Assembly focused primarily on the issue of missing persons in connection with international or non-international armed conflict. However, persons go missing in many other circumstances, such as situations of violence, insecurity, organized crime and disaster, and as a result of enforced disappearance and migration. Furthermore, it is underlined in the contributions received for the present report, and the many public sources reviewed, that the nature of the initiatives taken to address the issue of missing persons is not necessarily determined by the cause of their disappearance or the context in which they go missing, but by the need to address the fact that their whereabouts are unknown. As in previous reports, the present report reflects information received regarding measures to address the issue of missing persons in contexts other than armed conflict to the extent that such information is relevant for missing persons in connection with armed conflict.

II. International legal and institutional framework

3. In his previous reports on missing persons, the Secretary-General set out the international legal framework applicable to the issue of missing persons, drawing on international human rights law and international humanitarian law (A/67/267, paras. 4–7, A/69/293, paras. 4–6, and A/71/299, para. 3). It includes the International Convention for the Protection of All Persons from Enforced Disappearance. As at 25 June 2018, there were 58 States parties to the Convention. Since the previous report, six States (Benin, Central African Republic, Czechia, Malawi, Seychelles and Switzerland) have acceded to or ratified the Convention. In the contributions received to the present report, updates were provided on the efforts of Denmark, El Salvador, India, Sri Lanka and Switzerland to become parties to the Convention and/or further its implementation.

4. The first Conference of the States Parties to the Convention was held on 19 December 2016 in Geneva. The United Nations High Commissioner for Human Rights, in his opening address, noted that the provisions in the Convention on

[1] Contributions were received from: Azerbaijan, Bolivia (Plurinational State of), Bosnia and Herzegovina, El Salvador, Ireland, Lebanon, Mauritius, Qatar, Serbia, Switzerland and Venezuela (Bolivarian Republic of); and National Association for the Promotion and Protection of Human Rights (Cameroon), British Tamils Forum/United States Tamil Political Action Council, Commission on Human Rights of the Philippines, Commission on the Search for Disappeared Persons (Colombia), Office of the National Commissioner for Human Rights (Honduras), Danish Institute for Human Rights, Office of the Ombudsperson (Colombia), Office of the Ombudsperson (Ecuador), National Human Rights Institute (Chile), International Committee of the Red Cross, National Human Rights Commission of India, Counsel for Human Rights (Guatemala) and World Society of Victimology/Commissioner for Victims' Rights of South Australia.

investigations, non-refoulement and extradition, secret detention, urgent action and inquiries meant that it continued to be an innovative and versatile tool to prohibit, prevent and combat disappearance.[2] On 17 February 2017, the General Assembly held a high-level plenary meeting to mark the tenth anniversary of the adoption of the Convention, at which the participants discussed the impact of the Convention and best practices to prevent enforced disappearances and combat impunity. In a joint statement by the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances on the International Day of the Victims of Enforced Disappearances in 2017, it was remarked "there is no valid excuse" for the Convention not to be universally ratified.[3]

5. In his report to the Security Council on the protection of civilians in armed conflict in 2017, the Secretary-General expressed concern about missing persons and their families and referred to the dramatic increase in persons reported missing in conflicts since 2014. He called on parties to conflict to uphold families' right to know the fate of their missing relatives and encouraged parties to collaborate with the International Committee of the Red Cross (ICRC) and its Central Tracing Agency (S/2017/414, para. 15). In his report in 2018 on the same topic, he referred to the alarming numbers of missing persons in armed conflicts and reiterated that parties to conflict and Member States must ensure the implementation of the law as it applies to missing persons (S/2018/462, para. 31).[4]

6. On 22 December 2017, during an Arria-formula meeting on the humanitarian aspects of missing and captive persons in Gaza, the Security Council discussed the holding by Hamas of the remains of two Israeli soldiers and uncertainty over the whereabouts of three missing Israeli nationals believed to be in Gaza.[5]

7. The draft Global Compact for Safe, Orderly and Regular Migration will be the first intergovernmentally negotiated agreement under the auspices of the United Nations covering all dimensions of international migration in a holistic and comprehensive manner.[6] It is to be negotiated and adopted at an intergovernmental conference on international migration in December 2018 (see General Assembly resolution 72/244). Objective 8 of the draft Compact focuses on international cooperation in the identification of human remains and the support provided to families searching for relatives who go missing during the migration process.

8. In its report on enforced disappearances in the context of migration, the Working Group on Enforced or Involuntary Disappearances remarked that the increasingly precarious movements of migrants expose them to heightened risks of becoming victims of human rights violations, including enforced disappearances (A/HRC/36/39/Add.2, para. 80). The Working Group recommended that States should gather, compile and systematize all information concerning individuals who go

[2] Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, statement to the first Conference of States Parties to the International Convention for the Protection of All Persons from Enforced Disappearance, Geneva, 19 December 2016. Available at https://www.ohchr.org/Documents/HRBodies/CED/Convention1Session/HighCommissioner_CSP_ICPPED.pdf.

[3] Office of the United Nations High Commissioner for Human Rights (OHCHR), "'There is no valid excuse not to ratify the Convention for the Protection of All Persons from Enforced Disappearance' — UN experts". Available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22005&LangID=E.

[4] See also the statement by Yves Daccord, Director-General of the International Committee of the Red Cross (ICRC), to the Security Council at the ministerial-level open debate on protection of civilians in armed conflict, 22 May 2018 (S/PV.8264).

[5] See http://webtv.un.org/watch/security-council-humanitarian-aspects-of-missing-and-captive-persons-in-gaza-arria-formula-meeting/5686384999001.

[6] See https://www.ohchr.org/EN/Issues/Migration/Pages/GlobalCompactforMigration.aspx.

missing in, or transiting through, their countries. This information should be systematically shared with bordering countries and relevant international and/or regional organizations. States should intensify cooperation in the areas of identification, search, data collection, prevention, investigation and prosecution (ibid., para. 86).

9. In a policy paper on missing migrants and their families, ICRC outlines 13 recommendations for policymakers to prevent people from going missing and address the multifaceted issues that arise when they do.[7] It highlights that many migration routes cross States experiencing armed conflict and violence or run through hostile environments, such as seas, deserts and other remote areas, where migrants are isolated and may face life-threatening situations.

10. In December 2017, ICRC published a fact sheet entitled "Internally displaced persons and international humanitarian law", which includes provisions aimed at ensuring respect for family life and family unity, for example, parties to a conflict must take all feasible measures to account for those reported missing and must provide any information they have concerning them.[8]

11. Initiatives were undertaken during the reporting period to further elaborate the pertinent regional legal frameworks. On 30 June and 1 July 2016, the Commissioner for Human Rights of the Council of Europe held a round table on missing persons and victims of enforced disappearance in Europe. Human rights defenders, the Special Rapporteur on the situation of human rights defenders, a member of the Working Group on Enforced or Involuntary Disappearances and Council of Europe representatives discussed the recommendations contained in a thematic issue paper prepared in 2016 on the situation regarding missing persons and victims of enforced disappearances in Europe and identified ways to enhance the fulfilment of State obligations in relation to such persons.[9]

12. The European Commission, in a communication concerning the enlargement of the European Union to include the Western Balkans,[10] committed to explore how to further the work of ICRC and the International Commission on Missing Persons in fostering regional cooperation to resolve the issue of missing persons. It announced an action plan containing six flagship initiatives, including one on reconciliation and neighbourly relations with a focus on missing persons.

13. In July 2017, the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE) adopted a resolution on ensuring a coherent, shared and responsible governance of migration and refugee flows. It called on States to devote attention to the issue of missing and deceased migrants by, inter alia, ensuring adequate support and financial resources for forensic services; collaborating with ICRC towards the establishment of a transregional mechanism to centralize data concerning missing migrants; and improving coordination and communication between relevant authorities, experts and families in order to help locate missing

[7] ICRC, "Missing migrants and their families: the ICRC's recommendations to policymakers", policy paper (Geneva, 2017). Available at https://shop.icrc.org/missing-migrants-and-their-families-the-icrc-s-recommendations-to-policy-makers.html?___store=default.

[8] ICRC, "Internally displaced persons and international humanitarian law", factsheet, 14 December 2017. Available at https://www.icrc.org/en/document/internally-displaced-persons-and-international-humanitarian-law-factsheet.

[9] Council of Europe, Commissioner for Human Rights, "Missing persons and victims of enforced disappearance in Europe", 22 February 2017. Available at http://www.refworld.org/docid/58c684db4.html.

[10] European Commission, "A credible enlargement perspective for and enhanced European Union engagement with the Western Balkans", 2 June 2018. Available at https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf.

migrants and, in the case of deceased migrants, to help with the identification and dignified management of their remains.[11] In October 2017, the Ad Hoc Committee on Migration of the OSCE Parliamentary Assembly published a report entitled "Ensuring a coherent, shared and responsible governance of migration and refugee flows",[12] in which it acknowledged that a transregional approach between countries of origin, transit and destination, as well as further political support and resources, is required. The Committee recommended OSCE and participating States to collaborate with ICRC towards the establishment of a transregional mechanism.

III. Measures to prevent persons from going missing

14. In resolution 71/201, the General Assembly called upon States that are parties to an armed conflict to take all appropriate measures to prevent persons from going missing in connection with the conflict. Developing and implementing preventive measures pre-emptively, including during peacetime, to ensure that they are in place before they may be required is key to their effectiveness.

A. Enacting national legislation

15. The development of national legal frameworks in accordance with international human rights law and international humanitarian law can help prevent disappearances, ascertain the fate of missing persons, ensure the comprehensive collection, protection and proper management of information and provide victims' families with means of support, including by enabling them to realize their rights. Domestic legislation should provide appropriate regulatory frameworks for data collection and protection, including personal data, which should be collected and processed in compliance with international human rights law, including the right to privacy.

16. In its contribution to the present report, ICRC referred to draft legislation concerning missing persons.[13] For example, in Brazil, draft law No. 144/2017, which was approved by the Parliament in November 2017 and is being examined by the Senate, includes the creation of a national registry of missing persons. In Guatemala, bill No. 3590, which would create a national commission on the search for victims of enforced disappearance and other forms of disappearance, is pending approval by the Congress. ICRC reported that, in Lebanon, a draft law on missing and forcibly disappeared persons was being reviewed by the Administration and Justice Parliamentary Committee.

17. During the reporting period, States enacted legislation on issues pertaining to missing persons. In Colombia, decree No. 589 establishing the Search Unit for

[11] Minsk Declaration and resolutions adopted by the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE) at its twenty-sixth annual session. Available at https://www.oscepa.org/documents/all-documents/annual-sessions/2017-minsk/declaration-25/3555-declaration-minsk-eng/file.

[12] OSCE Parliamentary Assembly, *Ensuring a Coherent, Shared and Responsible Governance of Migration and Refugee Flows: Report and Recommendations of the OSCE PA Ad Hoc Committee on Migration* (Copenhagen, 2017). Available at https://www.oscepa.org/documents/all-documents/autumn-meetings/2017-andorra/reports-and-speeches-2/3604-report-and-recommendations-of-the-osce-pa-ad-hoc-committee-on-migration-4-oct-2017/file.

[13] ICRC, *Guiding Principles/Model Law on the Missing: Principles for Legislating the Situation of Persons Missing as a Result of Armed Conflict or Internal Violence — Measures to Prevent Persons from Going Missing and to Protect the Rights and Interests of the Missing and Their Families* (Geneva, 2009). Available at https://www.icrc.org/en/document/guiding-principles-model-law-missing-model-law.

Missing Persons was promulgated by the President on 5 April 2017 and confirmed by the Constitutional Court on 20 June 2018. In Mexico, a general law on disappearances entered into force in January 2018, establishing a National Search System for Missing Persons, a National Registry of Missing Persons and a National Registry of Unidentified Deceased Persons. In Kyrgyzstan, a new Criminal Code was adopted in January 2018, containing provisions regarding missing persons. In Sri Lanka, the Office on Missing Persons Act, No. 14 of 2016, was enacted on 23 August 2016. In Peru, law No. 30470 on the search for persons who disappeared during the period of violence of 1980–2000 was approved through a ministerial resolution on 23 December 2016. On 22 June 2017, supreme decree No. 013-2017-JUS was promulgated, creating the General Directorate for the Search of Missing Persons. In Ukraine, on 12 July 2018, the Parliament adopted a law on the legal status of missing persons.

B. Other preventive measures

18. During armed conflict, the production and proper use of means of identification by armed and security forces helps document the whereabouts and fate of members of those forces. States have the primary responsibility for the production and use by their armed forces of such means of identification. International humanitarian law also requires the establishment of national information bureaux and grave registration services. In its contribution to the present report, the National Human Rights Institute of Chile reported that in case of an armed conflict, a national information office would be established in the Department of Defence. Switzerland reported that it has established a network between the Confederation and the cantons to quickly locate persons deprived of their liberty so that a person who suspects a relative has been the victim of enforced disappearance can receive prompt and reliable information.

19. The training and subsequent oversight of security and law enforcement officials is a preventive measure and can ensure adequate responses from the relevant authorities when a person goes missing. The National Human Rights Institute of Chile reported that, on 24 May 2017, a seminar, organized by the National Humanitarian Law Commission and the National Academy of Political and Strategic Studies, was held to review the teaching of international humanitarian law in the armed forces.

IV. Measures to clarify the fate and whereabouts of missing persons

20. In resolution 71/201, the General Assembly reaffirmed the right of families to know the fate of their relatives reported missing in connection with armed conflict, and called upon States that are parties to an armed conflict to take all necessary measures, in a timely manner, to determine the identity and fate of persons reported missing in connection with armed conflict and, to the greatest extent possible, to provide their family members, through appropriate channels, with all relevant information that they have on their fate, including their whereabouts or, if they are dead, the circumstances and cause of their death.

A. Tracing and restoration of family links

21. ICRC continued its tracing activities, including collecting information about persons unaccounted for and the circumstances in which they disappeared; searching in places of detention, camps for internally displaced persons and refugees, hospitals, morgues, cemeteries, burial grounds and remote areas; and sharing or publicizing

updated lists of missing persons. It also maintained dialogue with relevant authorities and armed groups on the whereabouts of missing persons, the location of gravesites and requests for the recovery and identification of human remains.

22. ICRC and national Red Cross and Red Crescent societies, together with the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the United Nations Children's Fund (UNICEF), assist with maintaining and restoring links between family members during conflict and other emergencies and migration.[14] This involves tracing relatives, exchanging messages, reuniting separated families and seeking to clarify the fate of the missing. For example, in January 2017, ICRC signed an agreement with Italy and the Italian Red Cross to support the authorities in reaching out to families of casualties of the shipwreck of 18 April 2015, in which around 900 migrants died. ICRC is facilitating the collection of information from relatives of missing migrants in Mali, Mauritania and Senegal to be used in identification processes.

B. Coordination mechanisms

23. Parties formerly engaged in a conflict may agree to take measures under the auspices of a neutral intermediary, such as setting up coordination mechanisms to: exchange information; provide mutual assistance in locating and identifying missing persons, and in recovering, identifying and returning human remains; and enable family members to be informed about progress in determining the fate or whereabouts of missing persons.

24. In Cyprus, the Committee on Missing Persons continued its forensic recovery and identification activities. As at 15 December 2017, the Committee had exhumed the remains of 1,212 persons. By January 2018, the remains of 855 out of 2,002 missing persons had been identified and returned to their families. In 2017, the Committee conducted 11 excavations in military areas in the north, leading to the recovery of remains of 23 individuals (S/2018/25, para. 33). In paragraph 8 of resolution 2398 (2018), the Security Council welcomed all efforts to accommodate the Committee on Missing Persons' exhumation requirements as well as the joint appeal for information issued by the Greek Cypriot and Turkish Cypriot leaders on 28 May 2015. It called upon all parties to provide more expeditious, full access to all areas, given the need to accelerate the Committee's work.

25. Efforts to locate and identify missing persons in Kosovo[15] have been carried out by the United Nations Interim Administration Mission in Kosovo (UNMIK) and the European Union Rule of Law Mission in Kosovo, in cooperation with ICRC and the International Commission on Missing Persons. According to ICRC, as at March 2018, 1,652 people who had gone missing in connection with the armed conflict in Kosovo in 1998–1999 were still unaccounted for. Out of the 4,405 cases that were closed as at March 2018, 1,374 persons had been located alive. The total number of persons reported missing in relation to the events of 1998–1999 is 6,057.[16] On 29 and 30 June 2017, members of the Working Group on Persons Unaccounted for in Relation to the Events in Kosovo, relatives of missing persons, UNMIK, ICRC and the Working Group on Enforced or Involuntary Disappearances met in Geneva to identify

[14] See https://www.icrc.org/en/what-we-do/restoring-family-links.

[15] Reference to Kosovo should be understood in full compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

[16] ICRC, "Kosovo: 19 years after conflict, over 1,600 people still missing", 27 April 2018. Available at https://www.icrc.org/en/document/kosovo-19-years-after-conflict-over-1600-people-still-missing.

challenges and means to discover the whereabouts of missing persons.[17] The meeting also marked the opening of the Multi-Ethnic Resource Centre on Missing Persons in Kosovo,[18] which aims to enable family associations from across all ethnic lines to communicate, cooperate and jointly face the past and has organized a number of conferences and round tables to further the issue of missing persons in Kosovo. To commemorate the International Day of the Victims of Enforced Disappearances in 2017, UNMIK produced the documentary "Something still missing", which was broadcast on Kosovo television channels, highlighting the efforts of local family associations to determine the fate of their missing relatives while building trust across communities (S/2017/911, para. 35, and S/2018/76, para. 43).

26. According to ICRC, the working group process through which exchanges of information on missing persons take place between Serbia and Croatia was revived through meetings held in Belgrade (October 2017) and Zagreb (February 2018). In its contribution to the present report, Serbia reported that on 23 February 2018 the Commission on Missing Persons of the Government of Serbia and the Commission on Detained and Missing Persons of the Government of Croatia met and agreed to intensify efforts. Serbia also reported that the need to harmonize procedures regarding exhumation, identification and repatriation of remains was discussed in regional consultations held in 2017 and 2018 between representatives of the missing persons offices of Serbia, Croatia, Bosnia and Herzegovina and Montenegro. In Serbia, in December 2017, the International Commission on Missing Persons, in cooperation with the Commission on Missing Persons, launched the Site Locator online application to assist in locating clandestine gravesites.[19]

27. ICRC reported that, following a two-year interlude, the tripartite coordination mechanism, set up by Georgia, the Russian Federation and the de facto "authorities" in South Ossetia, Georgia, held four meetings. The meetings revived discussions on the clarification of the fate and whereabouts of 169 persons still missing as a result of the hostilities in August 2008.

28. A similar mechanism in relation to the conflict in Abkhazia in 1992–1993 was established in December 2010. It met for the eleventh time in December 2017. By the end of 2017, 325 sets of human remains had been exhumed.[20] As at 1 March 2018, 126 bodies had been identified and returned to their families. In 2017, ICRC facilitated a visit for the Georgian and Abkhaz participants in the mechanism to Cyprus to meet with the Committee on Missing Persons in Cyprus, which offered a platform to share experiences and lessons learned.[21]

29. In its contribution to the present report, Ireland noted that, through the work of the Independent Commission for the Location of Victims' Remains, established in 1999 by an intergovernmental agreement between Ireland and the United Kingdom of

[17] United Nations Interim Administration Mission in Kosovo (UNMIK), "Geneva roundtable on missing persons as a result of the conflict in Kosovo", 30 June 2017. Available at https://unmik.unmissions.org/geneva-roundtable-missing-persons-result-conflict-kosovo.

[18] OHCHR, "Missing persons receive renewed attention in Kosovo", 14 August 2017. Available at http://www.ohchr.org/EN/NewsEvents/Pages/MissingPersonsInKosovo.aspx.

[19] International Commission on Missing Persons, "Serbia: new ICMP initiative to locate clandestine graves launched", 6 December 2017. Available at https://www.icmp.int/press-releases/serbia-new-icmp-initiative-to-locate-clandestine-graves-launched.

[20] ICRC, "Remains of victims of 1992–93 armed conflict in Abkhazia handed over to families", 16 October 2017. Available at https://www.icrc.org/en/document/remains-victims-1992-93-armed-conflict-abkhazia-handed-over-families-0.

[21] ICRC, "Missing persons: ICRC organizes two-day study tour to Cyprus", 4 January 2018. Available at https://www.icrc.org/en/document/missing-persons-icrc-organizes-two-day-study-tour-cyprus.

Great Britain and Northern Ireland, as at February 2018, the remains had been recovered of 13 of the 16 persons who had disappeared.

30. The Secretary-General has continued to report to the Security Council on efforts regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains, in accordance with Security Council resolution 2107 (2013) (S/2018/40 and S/2018/353). The Tripartite Commission chaired by ICRC (comprising France, Iraq, Kuwait, Saudi Arabia, the United Kingdom and the United States of America) regularly meets and works on the identification of human remains in connection with the Gulf War of 1990–1991. An independent review, commissioned and funded by ICRC in 2016, of the work done by the Tripartite Commission was completed during 2017. ICRC urged the Commission to implement the recommendations resulting from the review, for example, on adopting new working methods. In 2017, several exhumation missions took place in Kuwait, but no human remains were recovered.[22]

31. The Tripartite Committee chaired by ICRC on missing persons was created in 2013 with the authorities of the Islamic Republic of Iran and Iraq to determine the fate of persons unaccounted for following the war between the two countries from 1980 to 1988. In 2017, the Committee's joint working group facilitated excavations in southern Iraq and the Kurdistan region of Iraq, resulting in the recovery of the remains of 678 people. The remains of 620 people were handed over to the Iranian authorities and the remains of 58 people were transferred to the Iraqi authorities.[23] ICRC reported that from August 2016 to March 2018, the remains of 648 Iranian and 498 Iraqi soldiers who went missing during the war were recovered in the Faw Peninsula. The remains of 275 persons have been repatriated from the Islamic Republic of Iran to Iraq and those of 641 persons from Iraq to the Islamic Republic of Iran.

C. National institutions

32. National institutions, such as national commissions on missing persons, can play a crucial role in clarifying the fate of missing persons and providing support to families of the missing. National information bureaux and grave registration services, as provided for in international humanitarian law, also fulfil this role.

33. ICRC has continued to work with the Azerbaijani State Commission on Prisoners of War, Hostages and Missing Persons[24] and the Armenian State Commission on Prisoners of War, Hostages and Missing Persons,[25] and with the families of missing persons, to facilitate the exchange of information and transfer of human remains and to clarify the fate of those unaccounted for since the Nagorno-Karabakh conflict. In its contribution to the present report, Azerbaijan stated that, as at 30 January 2018, its State Commission on Prisoners of War, Hostages and Missing Persons had registered 3,875 persons as missing from Azerbaijan, and 779 persons missing from Armenia. It also reported that, following a pilot project implemented by ICRC in 2014 to collect biological samples from relatives of missing persons, by the end of 2017, samples had been taken from 4,234 relatives of 1,458 missing persons.

[22] ICRC, *Annual Report 2017*, vol. I (Geneva, 2017), p. 501.

[23] Ibid., p. 458.

[24] State Commission of the Republic of Azerbaijan on Prisoners of War, Hostages and Missing Persons, "Information of the State Commission of the Republic of Azerbaijan on Prisoners of War, Hostages and Missing Persons", 26 January 2017. Available at http://www.human.gov.az/en/news/view/253/Information_of_The_State_Commission_of_the_Republic_of_Azerbaijan_on_Prisoners_of_War,_Hostages_and_Missing_Persons.s~Ws4181/0/0/nct.

[25] ICRC, "Our work in Armenia in 2017", 12 February 2018. Available at https://www.icrc.org/en/document/our-work-armenia-2017.

34. In its contribution to the present report, Bosnia and Herzegovina reported that, by April 2018, the remains of 23,776 missing persons recorded in the Central Register of Missing Persons had been verified, while 7,075 persons were still unaccounted for. In 2017, the mortal remains of 317 persons were exhumed, compared with those of 144 individuals in 2016. In 2017, the bodies of 165 victims that had been exhumed in previous years were identified. Following an inventory of sites holding unidentified remains, 115 bodies were identified and 948 bodies were completed from previously identified incomplete mortal remains. Some 2,000 bodies remain to be identified in 12 mortuaries. Concerns have been expressed regarding a lack of accurate and reliable information about potential individual and mass gravesites, making it difficult to exhume and identify remains. ICRC reported that, as at March 2018, 15,000 missing persons had been identified, while 6,630 were still unaccounted for.

35. In Kosovo, on 15 November 2017, the Prime Minister appointed a member of a non-majority community as Deputy Chair of the Commission on Missing Persons of the government of Kosovo (S/2018/76, para. 33).

36. In October 2016, the Congress of Guatemala adopted the Migration Code, establishing that relatives of persons whose whereabouts and fate remain unknown and who have entered another State, with or without migratory documents, have the right to report them as missing. It provides for the National Council for Migrants of Guatemala to put in place a system to search for missing migrants, which is intended to facilitate the exchange of information with the authorities of transit and destination States, whether the missing persons concerned are deceased (whether they are identified or not), deprived of liberty or being held in health-care facilities, forensic facilities or places established to shelter migrants.

37. In its contribution to the present report, El Salvador reported that the National Commission on the Search for Persons Who Disappeared in the Context of the Armed Conflict was created on 21 August 2017 by executive decree to investigate and determine the fate and whereabouts of the adult victims of enforced disappearance during the internal armed conflict and facilitate family reunions or the return of remains. In February 2018, the President swore in the Commission's three commissioners.

38. The Perus working group, responsible for the identification of human remains found in the common grave known as "Vala de Perus" in Dom Bosco Cemetery, São Paulo, Brazil, began its forensic work following the publication of the final report of the National Truth Commission. ICRC reported that in March 2018, an inter-institutional working group on missing persons in the State of São Paulo was created to coordinate efforts on the identification of missing persons and human remains.

D. Accountability

39. Accountability, including the rights to justice, the truth and effective remedy, is a key component of any attempt to address the issue of missing persons. International accountability mechanisms, including international commissions of inquiry and fact-finding missions, have addressed the issue, which has also been a focus of United Nations human rights mechanisms such as the Working Group on Enforced or Involuntary Disappearances.

40. International commissions of inquiry and other investigations have documented and made findings and recommendations regarding missing persons and victims of enforced disappearance. The Independent International Commission of Inquiry on the Syrian Arab Republic has drawn attention to the issue of missing persons, observing that enforced disappearance may be a gateway to other violations, such as torture, murder or extrajudicial executions (A/HRC/34/64, para. 30). The Commission

proposed that lists of all those held in detention should be provided to allow the authorities to start compiling the names of the missing or disappeared (A/HRC/37/72, para. 17 (b)). It highlighted that thousands of families have no knowledge of whether their relatives are missing owing to conflict, displacement, detention, death or execution (ibid., para. 18). It called for the creation of an independent and impartial mechanism that could define the elements required to efficiently and effectively track and identify missing persons, help consolidate claims filed with a wide variety of non-governmental and humanitarian organizations and coordinate overtures to the parties to the conflict to locate the missing or their remains. It highlighted the importance of involving families of missing persons in such efforts (ibid., para. 22). In March 2018, the Commission reiterated the importance of tackling the issue of missing or disappeared persons. It highlighted the right to the truth of families of the missing, saying that medical reports, post mortems, death certificates, detention records and the location of gravesites should be safeguarded and made available to any peace process and to any legitimate mechanism that may be established to look into these issues. It reiterated that each party to the conflict is obligated to take all feasible measures to account for persons reported missing as a result of hostilities and provide their family members with any information that it has on their fate.[26]

41. Since its inception in 1980, the Working Group on Enforced or Involuntary Disappearances has transmitted 57,147 cases of enforced disappearance to 113 States. Cases remain open in the Working Group's database until the fate or whereabouts of the person is determined. There are 45,499 cases in 92 States under active consideration by the Working Group (A/HRC/39/46). From March 2012 to 13 June 2018, the Committee on Enforced Disappearances registered 500 urgent actions, with 56 registered from 1 January to 13 June 2018. This reflects the scale of the number of cases of enforced disappearance and the pressing need of victims and their families for accountability.

42. The issue of missing persons should also form part of the design and implementation of a comprehensive approach to any transitional justice process that includes criminal justice, truth-seeking, reparation and institutional reform. Following its visit to the Gambia in June 2017, the Working Group stressed that all measures to address past human rights violations, such as enforced disappearances, including through the establishment of a Truth and Reconciliation Commission, should be designed and implemented simultaneously, and should be inclusive, consultative, gender-sensitive and participatory. It also emphasized that it is of the utmost importance to genuinely include from the outset the families of people who disappeared and the organizations representing them in the consultation process, and to manage the legitimate expectations of victims, including through clear and regular communication.[27] In El Salvador, on 14 July 2016, the Supreme Court declared the Amnesty Law of 1993 unconstitutional, paving the way for the victims of enforced disappearance during the internal armed conflict to seek justice.

43. Offices of missing persons that are empowered to receive complaints of cases of missing persons, investigate those cases and make recommendations for accountability have been established in the context of various transitional justice processes. In order to adequately discharge their mandate, they should be independent and well-resourced, with capable, trustworthy and impartial commissioners, and have

[26] Independent International Commission of Inquiry on the Syrian Arab Republic, "Detention in the Syrian Arab Republic: a way forward", March 2018, paras. 7, 20, 24 and 25. Available at https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/AWayForward_DetentionInSyria.pdf.

[27] OHCHR, "UN experts urge the Gambia to address past rights violations to avoid recurrence", 19 June 2017. Available at https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21773&LangID=E.

appropriate protection mechanisms for victims and witnesses, a clear policy on gender sensitivity and clear timelines for implementation. The resulting enabling environment is essential for commissioners and staff, families, witnesses and civil society, and, as a result, these offices can contribute both to resolving individual cases of missing persons and to achieving the aims of the broader transitional justice process, including justice, truth and reconciliation (A/HRC/37/23, paras. 12–22).

44. In Colombia, the Government and the Revolutionary Armed Forces of Colombia – People's Army (FARC-EP) agreed to the creation of an independent search unit for persons missing in connection with the armed conflict. The unit was established through a constitutional amendment adopted by Congress on 13 March 2017. OHCHR called on the Office of the Attorney General, the National Institute of Forensic Medicine and Sciences and other stakeholders to collaborate with the Unit in the search for, localization, exhumation, identification and dignified delivery of remains (A/HRC/37/3/Add.3, para. 95). The Unit is one of the three elements of the Comprehensive System for Truth, Justice, Reparation and Non-Repetition established in the peace agreement, which also includes the Commission on Truth, Coexistence and Non-Repetition and the Special Jurisdiction for Peace.

45. In Sri Lanka, the Office of Missing Persons became operational in September 2017, and the Chair and the members of the Office were appointed on 28 February 2018. The Office is one aspect of a broader transitional justice process, initially set out in Human Rights Council resolution 30/1. Long delays have been faced in the establishment of the Office, and it is now crucial that it work expeditiously with a victims-centred, consultative approach (A/HRC/37/23, paras. 13–14).[28] The urgent need to clarify the fate of the missing persons in Sri Lanka requires the Office to take immediate action to address cases.

46. In Ukraine, the newly adopted law on the legal status of missing persons provides for the establishment of a Commission on Missing Persons. As part of the support that it has provided in connection with the law, OHCHR stressed that the Commission should have sufficient capacity to deliver its mandate effectively, involve families of missing persons and guarantee support, rehabilitation and reintegration of missing persons returning after a prolonged period of absence. The Commission should be established and operationalized expeditiously after the law enters into force, which should occur in August 2018.

47. In Nepal, the mandate of the Commission of Investigation on Enforced Disappeared Persons was extended for one year in February 2017, and then again in February 2018 until 9 February 2019. The Working Group on Enforced or Involuntary Disappearances called upon the Government to extend the mandates of the Commission and the Truth and Reconciliation Commission to guarantee effective planning and functioning and ensure significant progress on crucial aspects of their mandates, including the study of the nature and patterns of serious human rights violations, including enforced disappearances (A/HRC/36/39, para. 94). The Government is reviewing the Commission's normative framework to strengthen its capacity to address victims' rights to the truth, justice, reparation and non-repetition.

[28] See also Pablo de Greiff, Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, "Sri Lanka continues to deprive itself of the benefits of Transitional Justice", statement and observations on the conclusion of his recent visit to Sri Lanka. Available at https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22274&LangID=E.

E. Archives

48. The collection, protection and management of information is essential for addressing the issue of missing persons. Archives remain critical to exercising the right to the truth. In resolution 71/201, the General Assembly invited States, national institutions and, as appropriate, intergovernmental, international and non-governmental organizations to ensure the development and proper management of archives pertaining to missing persons and unidentified remains in connection with armed conflict, as well as access to those archives in accordance with applicable laws and regulations.

49. In his report to the General Assembly at its seventy-second session, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence noted that the way that countries archive documents and ensure access to their archives says a lot about their attitudes towards inclusion, transparency and even due process (A/72/523, para. 80).

50. Information collected by international criminal tribunals is valuable for discovering what happened to missing persons. Access to the archives of the International Tribunal for the Former Yugoslavia, now housed in the International Residual Mechanism for Criminal Tribunals, enabled documentation to be transferred to the Missing Persons Institute of Bosnia and Herzegovina and assisted the Institute's investigative work, leading to the exhumation of 137 bodies in 2017. ICRC also reported that, as part of its road map for missing persons and their families in Western Balkans for 2018–2022, closer cooperation has been agreed between ICRC and the International Residual Mechanism for Criminal Tribunals. Efforts are under way to request access from participants in peacekeeping operations in the Balkans during the 1990s to their archives in relation to cases of missing persons.

51. In its contribution to the present report, El Salvador noted that in 2017 the Forensic Documentation Centre of the Institute of Legal Medicine digitized more than 330,000 records, including dental records and records concerning corpse recognition, autopsy results, exhumations, forensic-psychiatric reports, forensic social work and forensic chemistry.

52. In its contribution to the present report, ICRC highlighted its standard software application that can be widely used, enabling the storage, processing and consultation of information about missing persons, while ensuring data security and confidentiality. In 2017, ICRC concluded an agreement with the Swiss Federal Archives, under which copies of all future biological reference samples collected or received by ICRC will be stored in the Swiss Federal Archives. ICRC reported that in 2017 and 2018 the Committee on Missing Persons in Cyprus used its archives to clarify the fate of missing persons. The ICRC general archives concerning Cyprus were opened to the public in 2017.

V. Missing children

53. In resolution 71/201, the General Assembly requested States to pay the utmost attention to cases of children reported missing in connection with armed conflict and to take appropriate measures to search for and identify those children and to reunite them with their families.

54. In its contribution to the present report, the National Human Rights Commission of India reported that police departments in many states in India now have a missing persons desk with an officer responsible for registering complaints concerning

missing children and maintaining records of efforts to trace them, as recommended in its report on missing children of 2007.

55. In its contribution to the present report, El Salvador reported that at the end of 2017, the National Commission on the Search for Children Who Disappeared during the Internal Armed Conflict had registered a total of 307 cases of children who had disappeared during the armed conflict. It had investigated 236 cases, resulting in the reunion of 33 children with their relatives and a further 12 children being processed for reunion. In 30 cases, the investigation confirmed the death of the child. Seventy-three per cent of the cases related to children aged up to 8 years of age.

56. In its contribution to the present report, the Colombian Commission on the Search for Disappeared Persons reported that, as at 31 December 2017, according to the records held by the National Registry of Disappeared Persons, 132,241 persons or 26 per cent of those reported as missing in Colombia are minors.

VI. Criminal investigation and prosecution

57. The commission of enforced disappearance is a crime. International law establishes a clear obligation on States to investigate and prosecute such conduct. Criminal investigations and prosecutions can assist victims in realizing their right to the truth if the findings of such investigations and prosecutions are transparent and available to interested parties. Accountability is fundamental to ensure the realization of victims' right to an effective remedy, and as a prevention tool.

58. For effective investigations and prosecutions, crimes under international law should be incorporated into national criminal law and relevant investigative and judicial mechanisms should be established. Several States have criminalized enforced disappearance in their domestic laws or are in the process of doing so. The Plurinational State of Bolivia and Serbia highlighted this in their contributions.

59. The capacity of investigators and prosecutors handling files pertaining to missing persons should be maintained or strengthened as necessary. El Salvador reported that the Office of the Attorney General had created a special team to investigate crimes, including enforced disappearance in the context of the armed conflict. In El Salvador, OHCHR facilitated training to strengthen the capacity for investigating and prosecuting crimes against humanity and war crimes, including enforced disappearance.

60. In its contribution to the present report, Mauritius noted that a missing persons register is kept at every police station and, on receiving a missing person report, a police officer should immediately inform a senior officer.

VII. Forensic recovery and identification of remains of missing persons

61. The recovery, identification and management of bodies or human remains in a way that respects human dignity are essential. Making use of forensic scientific and methodological advances is a central component in achieving that. In resolution 71/201, the General Assembly invited States, national institutions and, as appropriate, intergovernmental, international and non-governmental organizations to further their engagement in order to follow forensic best practices as they apply to preventing and resolving cases of missing persons in connection with armed conflict.

62. In 2017, OHCHR launched the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), which is the revised version of the United Nations

Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. The Minnesota Protocol provides a comprehensive and shared platform for forensic investigators, pathologists, law enforcement officials, lawyers, prosecutors, presiding officers and NGOs to pursue accountability.

63. A growing number of forensic institutions and practitioners follow the standards and recommendations on forensic best practices as they apply to preventing and resolving cases of missing persons. Several countries, including Ukraine and the countries listed in previous reports (A/71/299, para. 56, and A/69/293, para. 52), have acquired the highly specialized forensic services required for such investigations, including forensic anthropology and forensic DNA analysis. ICRC has also been helping to build local forensic capacity in Egypt, in addition to the countries listed in the previous reports. Such assistance includes technical support, advice and tailored training; the provision of equipment and tools; and the promotion of communication, coordination and cooperation among forensic services for improved prevention and investigation of the missing, as well as the standardization of forensic procedures applicable to the search, recovery, identification and management of human remains.

64. There are a number of examples of sharing best practices between professionals, including the annual conference of the African Society of Forensic Medicine, held in March 2017, during which 146 African forensics professionals explored the latest techniques for ensuring the dignified identification and management of the dead,[29] and the meeting of the Latin American Association of Forensic Anthropology, held in Brazil in 2017.[30] In May 2017, ICRC held a five-day course in Pakistan titled "Management of the dead in emergencies" for emergency responders from disaster management, the military, law enforcement agencies, hospitals, forensic institutes and NGOs from countries including Burundi, China, Indonesia, Lebanon, Morocco, Nepal, Pakistan, the Philippines, Sri Lanka, the Syrian Arab Republic, Thailand, Tunisia, Ukraine and Viet Nam.[31] In October 2017, the International Commission on Missing Persons launched a new sequencing workflow created for the Commission's missing persons DNA identification laboratory in The Hague. The workflow includes the use of automated QIAGEN instruments and consumables for DNA extraction, liquid handling, quantification, sample preparation and massively parallel sequencing.[32] On 22 November 2017,[33] the Law Enforcement Working Party of the Council of the European Union reported that good progress had been made in implementing the Action Plan for the way forward for the creation of a European Forensic Science Area.[34]

65. In Lebanon, ICRC reported that it has registered information on approximately 2,900 missing persons and has been collecting biological reference samples from

[29] ICRC, "South Africa: taking forensics beyond the lab and the crime scene", 21 June 2017. Available at https://www.icrc.org/en/document/south-africa-taking-forensics-beyond-lab-and-crime-scene.

[30] See http://en.alafforense.org/proximo.html.

[31] ICRC, "Pakistan: first responders from 17 countries learn about the proper management of dead bodies", 16 May 2017. Available at https://www.icrc.org/en/document/pakistan-first-responders-17-countries-learn-about-proper-management-dead-bodies.

[32] International Commission on Missing Persons, "QIAGEN and ICMP launch next-generation DNA testing solutions for identifying missing persons", 23 October 2017. Available at https://www.icmp.int/press-releases/qiagen-and-icmp-launch-next-generation-dna-testing-solutions-for-identifying-missing-persons/.

[33] Council of the European Union, document No. 14606/17. Available at http://data.consilium.europa.eu/doc/document/ST-14606-2017-INIT/en/pdf.

[34] Council of the European Union, document No. 10128/16. Available at http://data.consilium.europa.eu/doc/document/ST-10128-2016-INIT/en/pdf.

relatives of missing persons for future DNA analysis and identification efforts.[35] It urged the authorities to approve a project to collect biological reference samples from the families of missing persons.[36] In its contribution to the present report, Lebanon reported that it has been gathering and studying biological samples and has conducted DNA testing on corpses.

66. In Argentina, ICRC reported that the forensic work to identify the remains of Argentine soldiers buried in the Darwin Cemetery on the Falkland Islands (Malvinas) had been carried out according to the Humanitarian Project Plan agreed by Argentina, the United Kingdom and ICRC in December 2016.[37] In December 2017, the results were handed to representatives of Argentina and the United Kingdom. Out of the 122 remains exhumed, 90 were identified and the remaining cases are awaiting identification, depending on the availability of samples from family members. By 1 December 2017, 107 families had been involved in the process. By March 2018, the Argentine authorities had delivered identification reports to all families involved in the Plan.

VIII. Legal status of missing persons and support for families

67. The many and interrelated challenges that families of missing persons face compound their suffering. In addition to socioeconomic and legal challenges, family members can experience a multitude of physical and emotional responses, as noted by the World Society of Victimology in its contribution to the present report. Adequately and effectively addressing the issue of the missing requires a holistic response, in which the victims and their families should play an integral part. Family members should be enabled to participate in the design and implementation of policies and programmes. In this regard, in resolution 71/201, the General Assembly called upon States to take appropriate steps with regard to the legal situation of missing persons and the needs and accompaniment of their family members, with particular attention to the needs of women and children in such fields as social welfare, psychological and psychosocial support, financial matters, family law and property rights. Ensuring the rights of the victims and their families to the truth, justice and an effective remedy is also an essential aspect of any response.

A. Understanding the needs of families

68. In cooperation with family associations, national societies of the International Red Cross and Red Crescent Movement, NGOs and academic and research institutions, ICRC continued to assess the needs of the families of missing persons based on the ICRC guidelines for multidisciplinary family needs assessments. Since 2016, assessments have been concluded in Brazil, Iraq, Kyrgyzstan, Mexico, Peru, Senegal, Sri Lanka, Tajikistan and Ukraine. In most of those countries, the assessments also related to the needs of the families of missing migrants. Needs assessments are planned for Syrians living in Jordan and Lebanon during 2018. The

[35] ICRC, "Lebanon: authorities must act now to give answers to families of missing persons", 31 August 2017. Available at https://www.icrc.org/en/document/lebanon-authorities-must-act-now-give-answers-families-missing-persons.

[36] ICRC, "Lebanese authorities must pass a law on missing persons", 13 April 2017. Available at https://www.icrc.org/en/document/icrc-lebanese-authorities-must-pass-law-missing-persons-and-provide-answers-their-families.

[37] ICRC, "Falkland/Malvinas Islands: ICRC presents Argentina and the United Kingdom with results of humanitarian forensic identification project", 1 December 2017. Available at https://www.icrc.org/en/document/falklandmalvinas-islands-icrc-presents-argentina-and-united-kingdom-results-humanitarian.

aim of the assessments is to ensure a contextualized and comprehensive understanding of the multifaceted needs of the families of missing persons and to determine the existing capacity to respond and the level of additional assistance needed. ICRC engages in confidential dialogue with the authorities concerned regarding the needs identified and makes recommendations to address those needs.

B. Addressing the needs of families

69. The needs of the families of missing persons are varied, from psychological to practical, and include knowing what happened to their loved one; recognition and appropriate marking of the loss; economic, financial, psychological and psychosocial support; protection against security threats; receipt of the remains of their loved one to enable a culturally and religiously appropriate burial, as the case may be; and access to justice and an effective remedy. Gaps in legislation and administrative obstacles mean that families of missing persons often lack access to social welfare benefits and pensions and are prevented from exercising their rights under inheritance, property and family law, from entering into a new union, or from administering the assets of a person missing but not declared deceased. Families often find that, without formal confirmation that a relative is dead, they cannot access social safety nets such as school-fee reductions and tax benefits and allowances.

70. *Accompanying the families of missing persons: a practical handbook*, published by ICRC in 2013, remains an important resource. It sets out the ICRC "accompaniment" approach to addressing the needs of the families of missing persons. The approach is needs-based and participatory and aims to strengthen the abilities of family members to deal with difficulties related to the disappearance of their relatives. In 2017, ICRC reported that over 5,500 families benefited from an accompaniment programme. ICRC is currently working with this approach in the following States: Armenia, Azerbaijan, Brazil, Colombia, Guatemala, Honduras, Mexico, Peru, Senegal, Sri Lanka, Tajikistan, Uganda, Ukraine and the United States of America. According to ICRC, during 2017, the Deputy Prime Minister of Ukraine instructed relevant ministries to establish a social assistance system, psychosocial support and legal accompaniment for families of missing persons and a centre to identify the deceased.

71. In its contribution to the present report, El Salvador noted that the National Commission on the Search for Children Who Disappeared during the Internal Armed Conflict offers psychosocial support to the families of disappeared children, especially in cases where the place of burial is known and the remains have been exhumed. It undertakes family visits and conducts workshops in order to promote the recognition of the psychosocial trauma associated with enforced disappearances.

72. In Peru, following the adoption of law No. 30470 on the search for persons who disappeared during the period of violence of 1980–2000,[38] mental health services for families have been extended to cover the search, recuperation, analysis, identification and return of the human remains of missing persons.

C. Legal situation of missing persons

73. Domestic law should clarify the legal situation of missing persons, including through provisions for the person to be declared absent or missing, so that the families

[38] Inter-American Commission on Human Rights, "IACHR welcomes enactment of law on search for missing persons from period of violence in Peru", 25 July 2016. Available at http://www.oas.org/en/iachr/media_center/PReleases/2016/099.asp.

of missing persons are able to receive social and financial benefits and can handle the affairs of the missing person, without requiring the missing person to be declared dead. ICRC highlighted that one way of handling the legal and administrative aspects of a person going missing is to recognize a legal status of "missing person" in national legislation, which would enable families to acquire a certificate or declaration of absence that allows them to exercise their rights and access benefits while the fate of their missing relative is being clarified. Such a certificate would be annulled in the event that the person was found alive, and her or his rights would be reinstituted. [10]

74. Several States have, by either amending existing domestic legislation or adopting specific provisional decrees, granted victims, including the families of missing persons, specific social and financial benefits, such as pensions for families of missing soldiers, reduced health-care and tuition fees, child allowances, food assistance, loans and interim relief.

75. In its contribution to the present report, ICRC reported that in Sri Lanka, the Registration of Deaths (Amendment) Act, No. 16 of 2016, establishes the process to be followed for a relative of a missing person to obtain a certificate of absence through an application to the District Registrar or Registrar General. It also provides a list of rights and benefits to which relatives of missing persons are entitled, once they have obtained the certificate of absence. In addition, the Act provides for a procedure through which an existing death certificate, issued in the name of a person considered missing, can be converted into a certificate of absence.

IX. Conclusions and recommendations

76. **The issue of missing persons arises in connection with armed conflict, as well as in other contexts, including situations of violence, insecurity, organized crime and disaster, and as a result of enforced disappearance and migration. While some States are making progress in addressing the issue, further efforts are needed to implement the recommendations made in previous reports. The number of missing persons is distressingly high, with unimaginable suffering and uncertainty for the victims, their families and communities. The increasing number of missing migrants is a frequently overlooked human tragedy.**

77. **It remains critical for States — individually and collectively — to address the issue of missing persons holistically, from prevention to the tracing, location, identification and return of missing persons, and from providing the necessary needs-based responses to victims and their families to ensuring their rights to justice, the truth and an effective remedy.**

78. **Effective prevention requires sufficient investment in and development of legislative and policy initiatives focusing on the risk factors that cause people to go missing. All States are again encouraged to become parties to the International Convention for the Protection of All Persons from Enforced Disappearance, incorporate its provisions into domestic law and ensure the full implementation of those provisions. Furthermore, there should be clear political commitment by all parties to fully cooperate and prioritize solving cases of missing persons, appropriate legislative and institutional frameworks and mechanisms (including at the international and regional levels), *national forensic* capacity in line with forensic best practices and international standards, preservation and access to archives in accordance with the right to privacy and the protection of victims, and frameworks for addressing the multidimensional**

[10] ICRC, "Missing migrants and their families".

socioeconomic, legal, psychological and psychosocial needs of missing persons and their families.

79. **Ensuring accountability and the rights to justice, the truth and an effective remedy for the violations of the rights of missing persons and their families, including those amounting to serious violations of international human rights law and international humanitarian law, are essential as measures of both prevention and redress. Accountability for missing persons should also be a core component of the design and implementation of comprehensive transitional justice processes.**

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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in the Democratic People's Republic of Korea**

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Tomás Ojea Quintana, submitted in accordance with General Assembly resolution 72/188.

* A/73/150.

** The present report was submitted after the deadline in order to reflect the outcomes of the Special Rapporteur's latest visit to the Republic of Korea, as well as the most recent developments.

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Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea

Summary

The present report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea is submitted pursuant to General Assembly resolution 72/188. In the report, the mandate holder provides an overview of recent developments in the human rights situation in the Democratic People's Republic of Korea, in particular after the country opened up to peace and denuclearization dialogue with the Republic of Korea and the United States of America. The Special Rapporteur analyses the implications of those talks for human rights and provides recommendations as to how that opening can be used to improve the human rights situation in the Democratic People's Republic of Korea. The analysis is based on the results of recent testimonies of people who left the Democratic People's Republic of Korea, as well as additional information collected during the mandate holder's latest visits to the North-East Asia region.

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I. Introduction

1. The rapprochement between the two Koreas, which started at the Winter Olympics held in Pyeongchang, Republic of Korea, and continued with the recent summit between the leaders of the Democratic People's Republic of Korea and the United States of America, reflects extraordinary developments and the possibility of achieving long-standing peace on a denuclearized Korean Peninsula and beyond. The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, who has been stressing the relevance of dialogue since assuming his position in 2016, commends and welcomes the determination of all Governments involved to this end and hopes for successful negotiations.

2. Undoubtedly, the promotion and protection of human rights is inextricably linked to the conditions needed for sustainable peace. Despite the marked improvement in the geopolitical situation, there have been no substantial changes in the serious human rights situation in the Democratic People's Republic of Korea. It is therefore imperative that the parties involved in the peace negotiations, the relevant United Nations agencies and the international community as a whole develop a clear and explicit strategy to start improving the human rights situation on the ground.

3. The unfortunate reality is that human rights remains off the agenda in the expanding dialogue among the parties involved, including the Democratic People's Republic of Korea, the Republic of Korea, the United States, China and the Russian Federation. No human rights language has been included in the key inter-Korean public statements that have emerged during the latest rapprochement, nor in the Singapore statement following the meeting of the leaders of the Democratic People's Republic of Korea and the United States held on 12 June.

4. While being aware of the geopolitical complexity and the vicissitudes of the ongoing peace and denuclearization process, the Special Rapporteur reiterates that history has shown time and again that, if the human rights issues at the root of any conflict are not addressed, there can be no genuine or sustainable peace, security or development. In this regard, at the seventy-third session of the General Assembly, where the human rights situation in the Democratic People's Republic of Korea will be discussed on the basis of the report presented by the Special Rapporteur, Member States will have to confront a historical challenge: to push for a peace process that contemplates the need to improve the human rights in the Democratic People's Republic of Korea and that brings that issue to the negotiating table. It is the belief of the Special Rapporteur that to sideline human rights in peace agreements and dialogues is to weaken the international system of protection for the people living in the Democratic People's Republic of Korea.

II. Overview of the political and security situation

5. The reporting period began with an acute escalation of political and security tensions in the wake of the continued nuclear and ballistic missile tests by the Democratic People's Republic of Korea. On 22 December 2017, the Security Council, in its resolution 2397 (2017), extended the sanctions regime to the import of refined petroleum products and the deployment of workers abroad. The resolution was preceded by three others adopted earlier in 2017 — resolutions 2356 (2017), 2371 (2017) and 2375 (2017) — which targeted, inter alia, the extractive and financial industries and the fisheries sector.

6. However, the Pyeongchang Winter Olympics, held in February 2018, ushered in an Olympic truce, which was followed by a series of high-level talks that brought together the leader of the Democratic People's Republic of Korea with those of the

Republic of Korea, the United States and China. In a welcome development after years of conflict rhetoric and manoeuvre, the Supreme Leader of the Democratic People's Republic of Korea announced on 21 April that the country would halt nuclear tests and intercontinental ballistic missile launches, while the United States and the Republic of Korea suspended cyclical military exercises on the Korean Peninsula. The inter-Korean summit of 27 April 2018, held in Panmunjom, Democratic People's Republic of Korea, resulted in a joint declaration in which the two leaders pledged to end the Korean War, promote peaceful unification and work towards the denuclearization of the Korean Peninsula. The Democratic People's Republic of Korea committed to a nuclear-free Korean Peninsula for the first time since the joint declaration made between the two countries in 1992.

7. The Special Rapporteur welcomed this historic opportunity to restore peace and security on the Peninsula and beyond. In the lead-up to the 27 April summit, he issued a statement[1] in which he called upon the two countries to fully integrate pressing human rights concerns in the Democratic People's Republic of Korea into their talks, reiterating the need to bring the human rights agenda back into focus. Warning that any denuclearization deal would remain fragile if it sidelined the rights and needs of the population of the Democratic People's Republic of Korea, he reiterated that peace and security could not be achieved only in the form of intergovernmental agreements but also, and perhaps more importantly, in the shape of domestic policies that guaranteed the full enjoyment of human rights without discrimination.

8. On 5 May, prior to the summit in Singapore between the Democratic People's Republic of Korea and the United States, three citizens of the United States who had been detained in Pyongyang were released by the Democratic People's Republic of Korea. The Special Rapporteur issued a public statement[2] on the release in which he welcomed the decision, while urging the Government of the Democratic People's Republic of Korea to release the six nationals of the Republic of Korea, including three pastors, who remain in detention. The Special Rapporteur continues to be concerned by reports that the foreign detainees do not receive due legal process and may be held in inhumane conditions without consular access. In this regard, he urges the authorities to strengthen the protection system for national and foreign detainees in line with the standard minimum rules for the treatment of prisoners.

9. On 7 June 2018, the Special Rapporteur held a press conference[3] at the United Nations Office at Geneva, just ahead of the Singapore summit between the two leaders of the Democratic People's Republic of Korea and the United States of America. He underscored the importance of including human rights in the high-level talks, raising concern that failure to do so would have negative repercussions for building a "sustainable agreement with the Democratic People's Republic of Korea with regard to denuclearization". He also made a call to the authorities to free political prisoners through a general amnesty to signal its commitment to universal human rights principles.

10. During the summit, held on 12 June in Singapore, "President Trump committed to provide security guarantees to the Democratic People's Republic of Korea, and Chairman Kim Jong Un reaffirmed his firm and unwavering commitment to complete

[1] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22988&LangID=E.

[2] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23061&LangID=E.

[3] See webtv.un.org/meetings-events/treaty-bodies/watch/ohchr-press-conference-human-rights-in-dprk-geneva-7-june-2018/5794701580001/?term=http%3A%2F%2Fwebtv.un.org%2Fmeetings-events%2Ftreaty-bodies%2Fwatch%2Fchildren-on-the-move-preventing-child-trafficking-by-implementing-the-un-global-plan-of-action%2F5588262537001%2F&sort=date.

denuclearization of the Korean Peninsula".[4] In the joint statement issued as a result of the summit, both leaders "committed to cooperate for the development of new United States-Democratic People's Republic of Korea relations and for the promotion of peace, prosperity and security of the Korean Peninsula and of the world" and agreed to the recovering of remains of prisoners of war and soldiers missing in action and the immediate repatriation of those already identified.[5]

11. All of these developments are of great significance for the countries involved and humanity as a whole. However, the Special Rapporteur regrets that neither the Panmunjom Declaration for Peace, Prosperity and Unification of the Korean Peninsula nor the Joint Statement of the Democratic People's Republic of Korea and the United States included any human rights terminology. In following the rapidly shifting political environment, the Special Rapporteur reiterates his strong hope that there will soon be progress on tackling the human rights situation as an integral part of the peace, security and denuclearization agenda.

12. On 16 June, it was reported by the Korean Central News Agency of the Democratic People's Republic of Korea that the country would "grant an amnesty to those who had been convicted of the crimes against the country and people on the occasion of the seventieth founding anniversary of the Democratic People's Republic of Korea". The Special Rapporteur, having previously called for this, welcomed the announcement in a letter sent on 16 June to the Permanent Mission of the Democratic People's Republic of Korea to the United Nations Office and other international organizations in Geneva, but also enquired about further details of the planned amnesty, including the number of prisoners who would benefit from it and the locations of their detention.

III. Missions undertaken by the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea

13. The Special Rapporteur conducted two official missions during the reporting period. From 10 to 16 December 2017, he visited the Republic of Korea and Japan. The visit to the Republic of Korea included meetings with officials of the Ministries of Foreign Affairs, Unification and Justice, as well as additional meetings with civil society organizations, members of the diplomatic corps in Seoul, and the field-based structure of the Office of the United Nations High Commissioner for Human Rights (OHCHR). The Special Rapporteur also interviewed escapees from the Democratic People's Republic of Korea in resettlement centres in the Republic of Korea. In Japan, he participated in a symposium organized by the Government and met with government officials and families of people who had been abducted by the Democratic People's Republic of Korea and who remain unaccounted for.

14. On 31 May, the Special Rapporteur undertook a visit to Stockholm. During the visit, he met with officials of the Ministry of Foreign Affairs of Sweden, including the Special Envoy for the Korean Peninsula. The visit was informative with respect to the important role of Sweden in having had a long history of diplomatic relations with the Democratic People's Republic of Korea, and in representing the consular interests of the Governments of the United States, Australia, Canada and the Nordic

[4] See Joint Statement of President Donald J. Trump of the United States of America and Chairman Kim Jong Un of the Democratic People's Republic of Korea at the Singapore Summit, 12 June 2018.

[5] Ibid.

countries. The lack of adequate consular access for Otto Warmbier was addressed in particular.

15. On 1 June, the Special Rapporteur visited Brussels to meet with the secretariat of the European Parliament Committee on Foreign Affairs and its Subcommittee on Human Rights and with the European External Action Service of the European Commission. During the visit, the Special Rapporteur engaged in useful discussions about the role of the European Union in the ongoing rapprochement on the Korean Peninsula and the importance of pushing for a human rights dialogue with the Democratic People's Republic of Korea.

16. The Special Rapporteur also visited Geneva twice during the reporting period, in March 2018 to report to the Human Rights Council at its thirty-seventh session, and in June 2018, and used both occasions to engage and exchange views on issues pertaining to the situation of human rights in the Democratic People's Republic of Korea with Member States, including China, as well as other stakeholders.

17. The Special Rapporteur conducted his second official mission during the reporting period to the Republic of Korea from 2 to 10 July 2018. During the visit, he met with senior government officials from the Ministry of Foreign Affairs and the Ministry of Unification. He also held meetings with the Korean Red Cross, the Korea Institute for National Unification, the National Human Rights Commission of Korea and members of the diplomatic community, as well as the field-based structure of OHCHR. He also received first-hand accounts from people who had left the Democratic People's Republic of Korea, including young students at Hangyeore High School, and had meetings with human rights organizations and civil society actors offering a broad range of views and perspectives.

18. The Special Rapporteur is grateful to all those who took the time to share insights and information with him during the aforementioned visits. The Democratic People's Republic of Korea remained closed to formal cooperation with the mandate of the Special Rapporteur during the reporting period despite the repeated requests made.

IV. Recent developments in the situation of human rights in the Democratic People's Republic of Korea

A. Humanitarian situation

19. The Office for the Coordination of Humanitarian Affairs, the humanitarian agency of the United Nations, has stated that the Democratic People's Republic of Korea is facing a "protracted humanitarian crisis that is largely overlooked by the rest of the world".[6] The United Nations has reported that chronic food insecurity, early childhood malnutrition and nutrition insecurity are widespread in the Democratic People's Republic of Korea, and more than 10 million people, or 40 per cent of the population, are said to require humanitarian assistance. The total food production in the country has seen a decrease by 7.42 per cent in 2018 compared with last year, and reportedly some 10.3 million out of a population of 25 million (41 per cent) are

[6] See United Nations, Office for the Coordination of Humanitarian Affairs, "United Nations humanitarian chief to visit the Democratic People's Republic of Korea 9–12 July 2018", media advisory, 6 July 2018. Available at reliefweb.int/report/democratic-peoples-republic-korea/un-humanitarian-chief-visit-democratic-people-s-republic.

undernourished, while around a third of pregnant women are anaemic.[7] More than a quarter (27.9 per cent) of children under 5 are stunted owing to chronic malnutrition, which has implications for cognitive development.[8] While there are many complex intertwined factors that have contributed to this situation, including the diversion of critically needed resources to develop nuclear weapons and ballistic missiles, the breakdown of the Public Distribution System, the impact of climate change on food production[9] and the impact of sanctions, addressing the economic and social rights of the people of the Democratic People's Republic of Korea is especially crucial for the prospects of a durable peace environment on the Korean Peninsula and in North-East Asia and beyond.

20. Following the call made in his previous report to the General Assembly on the potential adverse impact of sanctions on the population in the Democratic People's Republic of Korea,[10] the Special Rapporteur continued to monitor the situation during the reporting period. He was informed of the continued slowdown in the operations of humanitarian actors as a result of operational difficulties, including with respect to banking channels and custom clearance delays. The United Nations country team has reported that the logistics for humanitarian actors are becoming increasingly complex, costly and time-consuming, which has resulted in fewer available supplies for those in need when they are needed most.[11] Chronic food insecurity is reported to have been exacerbated by the lack of access to modern agricultural equipment and fertilizers due to sanctions, among other challenges.[12]

21. In November 2017, the Special Rapporteur exchanged correspondence with the Panel of Experts on the Democratic People's Republic of Korea to monitor compliance with the sanctions regime, calling for a comprehensive assessment of the unintended impact of sanctions on the enjoyment of human rights. He therefore welcomes the decision by the Security Council Committee established pursuant to resolution 1718 (2006), on 6 August 2018, to issue "Guidelines for Obtaining Exemptions to Deliver Humanitarian Assistance to the Democratic People's Republic of Korea", necessary "to provide a clear explanation of its comprehensive humanitarian exemption mechanism".[13] The Special Rapporteur also encourages the Committee to consider further exemptions to facilitate exchanges and cooperation between the two Koreas aimed at achieving peace and prosperity on the Peninsula. At the same time, the Special Rapporteur reiterates his call upon the Democratic People's

[7] Statement by the United Nations Resident Coordinator for the Democratic People's Republic of Korea to the Security Council Committee established pursuant to resolution 1718 (2006) on the humanitarian situation in the Democratic People's Republic of Korea, p. 4.

[8] Ibid.

[9] According to the International Federation of Red Cross and Red Crescent Societies, at the time of reporting, "the Democratic People's Republic of Korea (DPRK) is facing the worst drought in 100 years, a catastrophe which now threatens to cause widespread food and water shortages in the country". See www.ifrc.org/ar/news-and-media/news-stories/asia-pacific/korea-democratic-peoples-republic-of/red-cross-prepares-to-respond-to-the-drought-in-dprk-69021/?print=true.

[10] The Special Rapporteur recalled Committee on Economic Social and Cultural Rights general comment No. 8 (1997) on the relationship between economic sanctions and respect for economic, social and cultural rights, in which the Committee emphasized that, although it had no role to play in decisions to impose sanctions, it had the responsibility to monitor compliance by all States parties with the International Covenant on Economic, Social and Cultural Rights. The Special Rapporteur holds an analogous responsibility.

[11] Statement by the Resident Coordinator for the Democratic People's Republic of Korea to the Security Council Committee established pursuant to resolution 1718 (2006), p. 13.

[12] Ibid., p. 4.

[13] Available at www.un.org/press/en/2018/sc13445.doc.htm.

Republic of Korea to publicize specific information, such as historical records and disaggregated economic data, that may help with this assessment.[14]

B. Inter-Korean developments

22. As the Democratic People's Republic of Korea and the Republic of Korea work together to encourage more active cooperation, visits and contacts at all levels with the aim of rejuvenating the sense of national reconciliation and unity, as stated in the Panmunjom Declaration, the Special Rapporteur reminds all actors of the importance of ensuring that such efforts are made in full compliance with international human rights standards. The Panmunjom Declaration included a pledge to promote economic growth and prosperity in the Democratic People's Republic of Korea by adopting practical steps to modernize roads and railways. Whereas that is a welcome initiative, the human rights implications of economic cooperation projects with the Democratic People's Republic of Korea should inform future steps. Domestic employment practices fall far short of international labour standards. Workers are vulnerable to various forms of abuse, including forced mobilization, unsafe working conditions and the absence of adequate pay. Restrictions on women's access to the labour market, which has been highlighted by the Committee on the Elimination of Discrimination against Women, also requires attention.[15] The implementation of joint inter-Korean initiatives, including the construction of railways and roads, pipeline projects, the possible reopening of the Kaesong Industrial Complex, the promotion of tourism and unified sports participation, will all have important human rights implications and involve responsibilities for the authorities in both the North and the South, including those set out in the human rights treaties to which both Governments are party. The Special Rapporteur calls upon the Governments of the Democratic Republic of Korea and the Republic of Korea to ensure that the cooperation dialogue addresses such concerns and that people who are mobilized for construction projects are guaranteed the protections to which they are entitled.

C. Human rights issues

23. The interviews held by the Special Rapporteur with persons who left the Democratic People's Republic of Korea during the reporting period indicate that the circumstances faced by ordinary citizens continue to be dire. Serious difficulties in their living conditions, including severe restrictions on freedoms and chronic food insecurity, continue to be cited as the reason that people leave, particularly those from the countryside, who make up the majority of the population. On the basis of these interviews and other information collected, in this section the Special Rapporteur focuses on the following substantive areas: the rights of persons deprived of liberty;

[14] On 24 November 2017, the Special Rapporteur addressed a communication to the Permanent Mission of the Democratic People's Republic of Korea to the United Nations Office and other international organizations in Geneva, in which he invited the Government to forward to him any additional information that it might have on any negative impact that sanctions had on the population in the Democratic People's Republic of Korea. He also requested a courtesy call to discuss the matter further.

[15] In its concluding observations, the Committee recommended that the State, among other things: (a) review its labour laws and policies, including occupational tables, that restrict the participation of women in the labour market or assign low-paid jobs to women, with a view to ending gender segregation at work; and (b) promote the participation of women in managerial and leadership positions, including by adopting temporary special measures such as quotas or fast-track selection processes (see CEDAW/C/PRK/CO/2-4, para. 36).

separated families and abductions; the right to health; and the rights to safe drinking water and sanitation.

1. Rights of persons deprived of liberty

24. While the Special Rapporteur is still unable to collect information regarding the conditions of detainees in political prison camps given the secrecy surrounding such camps, he continued to receive information on cases of ill-treatment in other places of detention.[16] The situation of those in detention continues to highlight the particular vulnerability of these persons to serious violations of human rights, including what may constitute a deliberate denial of economic and social rights.

25. Torture and ill-treatment were reported by many interviewees who had undergone interrogation by the Ministry of State Security. In addition to prolonged and severe restrictions on movement, such as being forced to sit in a still position all day with head down, legs crossed and hands on knees, with short or no breaks, beatings were reportedly common during interrogations. Various interviewees confirmed having been subjected to ill-treatment, beaten, tortured or threatened with torture if they did not reveal information that Ministry officers considered to be true. In two separate accounts, women who had been held at the Ministry's *kuryujang* (pretrial detention facility) in Hyesan City, Ryanggang Province, recounted having been beaten. One woman, who had been detained in 2017, described her experience as follows: "While in the cell, I was forced to sit still the whole time. When I moved by mistake, I was punished by being forced to crawl on my knees between the door and the bars, from one end of the cell to the other. This was painful, and my knees got scratched up, because the floor was not even, but was made out of rough wooden planks."

26. In addition to acts of torture and ill-treatment, the Special Rapporteur received numerous accounts of what appears to be the deliberate denial of economic and social rights of persons in detention, in particular the right to food, the right to health and the rights to clean water and sanitation, amounting to cruel and inhuman treatment.

27. While all of the individuals with experience of detention attested to not having had sufficient food, there were some variations in the amount of food provided, according to location and type of detention facility. Most detainees recounted having been fed cornmeal, corn or grains of poor quality and without variation. Malnutrition was common, and reports of deaths in custody due to malnutrition were also received, involving in particular those who had contracted illnesses.

28. Denial of the right to adequate health care, including access to medication, is a form of ill-treatment. The Special Rapporteur received information from an individual who had been held in a *kuryujang* and who had witnessed other detainees dying from tuberculosis, as no medication had been given to them by the prison authorities. It had reportedly been left to their families to provide them with such medication. Sick and healthy detainees were reportedly mixed together in some of these detention facilities, in which cells containing detainees with tuberculosis were located in the same corridor as the other cells, without any separation. There were also reports of seriously ill detainees being released, in some cases following bribes or with

[16] Recent commercial satellite imagery highlighted by the Committee for Human Rights in North Korea shows what appears to be a group of prisoners and guards at political camp No. 25 in Chongjin, Democratic People's Republic of Korea, on 6 November 2017. See Joseph S. Bermudez, Jr., Robert Collins and Amanda Mortwedt Oh, "Satellite imagery shows captives inside camp No. 25 in North Korea", HRNK Insider, 30 August 2018. Available at www.hrnkinsider.org/2018/08/satellite-imagery-shows-captives-inside_30.html.

documents provided by relatives guaranteeing that they would be responsible for keeping the individual concerned at home.

29. Prison inmates remain vulnerable to inadequate access to water and sanitation. For example, a man who had been detained at a *kyohwaso* (re-education camp) in Kangwon Province described his experience as follows: "It was hard to have access to drinking water, because 3 or 4 cells out of 30 at the *kyohwaso* had tap water, and those provided [it] for one hour in the morning because of the ageing pipelines. We had to walk 500 to 600 metres to get water. It took an hour to reach drinking water, so it was hard to wash your face or shower. The head of each cell could enjoy washing, but not the rest of us." A woman who had been held in a *kuryujang* of the Ministry of State Security in Hyesan City recounted that the small cell in which she had been placed with 9 to 10 other female detainees had a toilet that was just a hole in the floor with no running water. A 50-litre bucket was filled every morning by the prison guards for washing and for toilet use, but in reality, to save work for the guards who carried the water, they were allowed to use only half of the water provided for one day. Drinking water was not always provided upon request: "It depended on the guard whether we were given water". Another woman who had been held at a Ministry of State Security *kuryujang* in Samjiyon, Ryanggang Province, described the sanitary conditions in the small cell — which housed 20 to 30 women and was not large enough for them to stretch their legs or lie down to sleep — as "very poor" and said, "There was just a bucket where we could relieve ourselves."

30. The Special Rapporteur recalls that persons deprived of their liberty may not be subjected to any hardship or constraint other than that resulting from the deprivation of liberty, and that respect for the dignity of such persons must be guaranteed under the same conditions as for that of free persons.[17] While it is difficult to categorically establish that the denial of adequate nutrition, medical care and hygiene, including tap water and washing facilities, to detainees is currently being used as a deliberate policy to punish detainees further, what is clear is that such denial of basic rights can amount to torture and ill-treatment and that the authorities of the Democratic People's Republic of Korea clearly have a responsibility to ensure that the treatment of prisoners is in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners and other international instruments. The Special Rapporteur urges the authorities of the Democratic People's Republic of Korea to seek technical expertise from the United Nations human rights system as well as the International Committee of the Red Cross in order to reform the penitentiary system in line with international standards. He also urges the authorities to give humanitarian agencies access to detention facilities so that basic needs of detainees are addressed.

2. Separated families and abductions

31. At the time of reporting, the first family reunion event in three years was being organized by the two Koreas to take place from 20 to 26 August, resuming a tradition that the political deadlock of the past three years had halted.[18] The Special Rapporteur praises the efforts that have gone into organizing this event, and shares the happiness of the family members. It is important that the event be the start of a series of ongoing initiatives that will allow for the establishment of sustainable, long-term channels enabling family members to maintain permanent contact beyond reunion events, through written correspondence, telephone communications and visits to both countries. It is also important that the selection process of candidates for reunions be as inclusive of the family members as possible, and that it be based on the principles

[17] Human Rights Committee, general comment No. 21 (1992) on the humane treatment of persons deprived of their liberty.

[18] On 20 August 2018, the Special Rapporteur issued a press statement on the issue; see www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=23468&LangID=E.

of transparency, accountability and non-discrimination, so that all families wishing to restore lost family ties are able to do so regardless of nationality or financial circumstances. In this regard, the Special Rapporteur shares the view, expressed in the OHCHR report on this issue, that the responses should be "formulated on the basis of entitlement rather than according to need", and he encourages reflection on the recommendations included in that report.[19]

32. The Special Rapporteur was also pleased to learn that the Republic of Korea National Red Cross is working tirelessly to establish, with its Northern counterpart, the fates of separated family members with a view to facilitating contact between them or, in cases in which family members are deceased, assisting the surviving family members in visiting their hometown or the graves of their loved ones to pay their last tribute. The Special Rapporteur urges the two countries to also make full use of the technical expertise of the International Committee of the Red Cross in restoring family ties.

33. The issue of international abductions remains unresolved, although the situation of Japanese abductees was mentioned at the high-level talks that took place in recent months. To date, officially, 12 abductees from Japan and 516 from the Republic of Korea remain unaccounted for. The issue continues to affect the families of abductees in profound ways. Enforced disappearance is a serious crime that places the persons subjected thereto outside the protection of the law, with implications for their enjoyment of the right to life, liberty, security and dignity of person, and the right not to be subjected to torture or other cruel, inhuman or degrading treatment. It is a crime that will continue until the fate and whereabouts of every disappeared person has been clarified. In the efforts to bring back the loved ones to their families, there is also the need to bring truth to the families, who, in the absence of information indicating that they are not still alive, will keep searching for their loved ones in order to seek their return. The rights of the families of abductees should be duly considered in further dialogue with the Democratic People's Republic of Korea with a view to providing them with knowledge concerning the fate and whereabouts of their loved ones, as well as other remedial measures to which they are entitled.

34. The Democratic People's Republic of Korea approached OHCHR to help to resolve outstanding cases involving its nationals in the Republic of Korea, including the case of 12 women restaurant workers who allegedly had been taken from China to the Republic of Korea against their will in April 2016. Throughout the reporting period, the Special Rapporteur highlighted his concerns regarding the lack of clarity about the circumstances of their arrival in the Republic of Korea. The Special Rapporteur has called for an independent investigation into the case, while also stressing that the utmost priority must be given to respecting the rights of these women and their families, including their right to safety and their right to privacy, as well as their right to leave the country. On this last point, the Special Rapporteur welcomes the decision by the Republic of Korea to grant them passports. He will continue to follow the case with a view to engaging in further advocacy with the Governments concerned and other relevant actors as necessary.

35. During his field visits, the Special Rapporteur met with a woman named Kim Ryon Hui and a man named Kwon Chol Nam, who currently reside in the Republic of Korea and wish to return to the Democratic People's Republic of Korea in order to be reunited with their families. The two have reportedly been convicted on espionage charges and have been unable to return to their homeland owing to restrictions imposed by the authorities of the Republic of Korea. The current political momentum

[19] OHCHR, "Torn apart: the human rights dimension of the involuntary separation of Korean families" (2016), para. 18. Available at seoul.ohchr.org/EN/Documents/2016/TORN%20APART%20final%200712016%20LAUNCH.pdf.

should serve to resolve cases of this nature and bring about greater freedom of movement between the two countries. The Special Rapporteur calls upon the authorities of the Republic of Korea to review the cases of these individuals with a view to granting them the possibility to travel back to the Democratic People's Republic of Korea, on the basis of humanitarian grounds.

36. During the reporting period, the Special Rapporteur received additional information concerning a wave of arrests in China in March 2018 targeting citizens of the Democratic People's Republic of Korea. Information received by the Special Rapporteur about women and girls who had been trafficked from the Democratic People's Republic of Korea to China, including those who had then been repatriated from China, as well as those who had transited through China into the Republic of Korea, continued to reveal the vulnerability of such women and the girls to serious violations of their human rights on both sides of the border.

37. The testimonies of women who had been trafficked from the Democratic People's Republic of Korea to China, and who had escaped from their Chinese husbands to the Republic of Korea, also highlighted the vulnerability of these trafficking victims, as well as of the children born to them. A woman who had fled from her husband and left him with a 4-year-old daughter in 2018 described her ordeal in these words: "My [Chinese] husband was not good to me because he thought that, since I was North Korean, I should not complain. He was not sure we should get an ID for my daughter because of my origin." Many such children cannot attend school owing to their lack of citizenship, and many are orphaned when the mother is arrested for repatriation. The testimony is an important reminder of the multiple layers of the vulnerability of these women and children who have sought to escape a situation of the violation of human rights to find a better life, only to face another reality of abuse[20]

38. As documented in the previous reports of the Special Rapporteur, people who are forcibly returned from China, most of whom are trafficked women, remain especially vulnerable to detention, torture and ill-treatment upon repatriation. Testimonies of ill-treatment by women who experienced repatriation from China confirm that any forcible return of persons who have left the Democratic People's Republic of Korea should be considered as an act of refoulement, given the likelihood of the serious human rights violations that they will face upon their return.[20]

39. On 6 March 2018, the Special Rapporteur issued a joint appeal,[21] together with the Working Group on Arbitrary Detention, urging the Chinese authorities not to repatriate six people, including a 5-year-old girl, whom they had arrested in February 2018.[22] In April 2018, it was reported that many people had been released from detention and allowed to stay in China. Whereas this is a positive development, the Special Rapporteur urges the two countries to agree on a full-fledged protection

[20] In its concluding observations, the Committee on the Elimination of Discrimination against Women expressed further concern that "upon repatriation, women who are victims of trafficking are reportedly sent to labour training camps or prisons, on the charge of 'illegal border crossing', and may be exposed to further violations of their human rights, including sexual violence by security officials and forced abortions" (see CEDAW/C/PRK/CO/2-4, para. 27).

[21] See joint urgent appeal, communication No. UA CHN 6/2018; available at spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=23684.

[22] In its response on 19 July, the Permanent Mission of China to the United Nations Office and other international organizations in Geneva maintained its position that the "so-called 'North Korean refugees' are not refugees", but are people who have crossed the border illegally and have come to China for economic reasons. It stated that China will continue to take measures with respect to such persons in accordance with the respective and combined principles of domestic law, international law and humanitarianism (Permanent Mission of China, letter to OHCHR, 19 July 2018).

policy and legal framework for citizens of the Democratic People's Republic of Korea who live in China or transit through its territory. The policy should be designed with a view to protecting their freedom of movement, allowing them to settle in countries of their choosing, and providing the most vulnerable among them, particularly children, with adequate health care and education as well as additional protections against loss of family ties and human trafficking.[23] He also urges the Government of China to give United Nations agencies access to the areas concerned.

3. Right to health

40. Article 72 of the Constitution of the Democratic People's Republic of Korea states that "Citizens are entitled to free medical care, and all persons who are no longer able to work because of old age, illness or a physical disability, the old and children who have no means of support are all entitled to material assistance. This right is ensured by free medical care, an expanding network of hospitals, sanatoriums and other medical institutions, State social insurance and other social security systems". While the Democratic People's Republic of Korea has experienced many public health gains in recent years, including improved immunization coverage, obstetric care and significant reductions in under-5, infant and maternal mortality rates,[24] inequalities persist in access to health care. Information received by the Special Rapporteur highlights the particular challenges faced by people living in the provinces in gaining access to an adequate and affordable standard of health care provided by qualified professionals. Medical care, with the notable exception of vaccinations for children, is provided only upon payment. Those who cannot afford the expenses related to illnesses or accidents will simply not receive the medical care needed. "If you can't pay, you will be turned away", said a woman from North Hamgyong Province whom the Special Rapporteur interviewed. She had lost her son to cancer, because she could not pay for the treatment he needed. With travel by foot being the main means of transport in the Democratic People's Republic of Korea, in the absence of an affordable and reliable transport network in most rural areas, inability to gain physical access to medical facilities prevents many who are ill, injured or living without family members from obtaining the medical care that they require. People continue to rely on traditional herbs or traders who sell medicine, as hospital visits are prohibitively expensive. A former nurse who worked at a rural hospital in North Hwanghae Province said that people were able to see a doctor, but they had to pay for their own medicine. The nurse, who had not undergone any specialized training before taking up her job, said that "in the Democratic People's Republic of Korea, anyone who can do injections into the bloodstream can work as a nurse".

41. Tuberculosis is still a major health concern in the Democratic People's Republic of Korea, and the situation has worsened since the Global Fund to Fight AIDS, Tuberculosis and Malaria, at the end of June 2018, suspended grants to the country

[23] Both the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women expressed concern in their concluding observations about the guarantees of civil registration and access to nationality of children. For example, the former recommended that "the State party review its bilateral agreements to ensure that children born to mothers who are citizens of the Democratic People's Republic of Korea residing outside the territory of the State party have access to birth registration and nationality without the children or their mothers being forcibly returned to the State party's territory" (see CRC/C/PRK/CO/5, para. 19, and CEDAW/C/PRK/CO/2-4, para. 32).

[24] See United Nations, Office for the Coordination of Humanitarian Affairs, "Democratic People's Republic of Korea needs and priorities, March 2018". Available at reliefweb.int/report/democratic-peoples-republic-korea/dpr-korea-needs-and-priorities-march-2018.

aimed at combating the disease.[25] To date, the World Health Organization has maintained the Democratic People's Republic of Korea on a list of the countries most affected by tuberculosis. Cooperation with the Republic of Korea resumed in late 2017 with the establishment of joint inspection teams and the delivery of lifesaving medicine and other humanitarian aid. The current opening for humanitarian dialogue between the two countries should be used to strengthen the exchange of medical expertise as well as outreach to international donors to help contain the incidence of tuberculosis.

42. According to official media in the Democratic People's Republic of Korea, high temperatures during the summer caused medical institutions to conduct information campaigns to raise awareness of preventive health measures among the general population and ensured that hospitals and clinics in Pyongyang and other parts of the country had secured medicines to treat circulatory and cerebral diseases that have high incidence rates in hot and humid weather. It was also reported that hygienic and anti-epidemic institutions had tightened their supervision and control over public catering facilities and soft drink stalls.[26]

43. However, the information received by the Special Rapporteur repeatedly underscored the complete breakdown of the health-care system and others, such as the Public Distribution System, together with the lack of a social safety net provided by the State. Testimonies by those who left the Democratic People's Republic of Korea in the past year reveal a situation in which no assistance is provided by the State in any form to guarantee the right to social security for all. Any shortfalls in meeting basic needs, such as chronic food shortages, and any medical needs resulting from illnesses, accidents or disability, can be met only through supplementary incomes in the informal economy. As a 22-year-old woman from Northern Hamgyong Province expressed: "We were taught that everything is equal and fair under the socialist system, but when I lived there (in the North), it didn't feel that way … Life was so difficult for everyone. Everyone lived for their own good, for themselves, and couldn't care about anyone else."

44. In the view of the Special Rapporteur, the urgent need to reform the social security system from the perspective of the ongoing humanitarian situation in the country is made even more pressing by the dire situation of those who have fallen through the cracks. The Special Rapporteur encourages the Government in the meantime to enhance the assistance of the United Nations country team in meeting the needs of particularly vulnerable groups, which includes providing them with free and unimpeded access to all parts of the country.

4. Rights to safe drinking water and sanitation

45. Access to safe drinking water and sanitation remains a challenge for provincial communities, which make up the majority of the population of the Democratic People's Republic of Korea. While both communicable and non-communicable diseases continue to be major health concerns,[27] a survey conducted by the United Nations Children's Fund (UNICEF)[28] indicated that 60 per cent of rural areas had

[25] No specifics came out of the decision of the Global Fund to suspend aid to the Democratic People's Republic of Korea.

[26] See KCNA Watch, "Deep attention paid to health protection in Democratic People's Republic of Korea", 8 August 2018. Available at kcnawatch.co/newstream/1533780057-60622886/deep-attention-paid-to-health-protection-in-dprk/.

[27] See Office for the Coordination of Humanitarian Affairs, "Democratic People's Republic of Korea needs and priorities, March 2018".

[28] See Central Bureau of Statistics and UNICEF, *Multiple Indicator Cluster Survey 2017: Survey Findings Report — Democratic People's Republic of Korea* (2018), available at mics.unicef.org/surveys.

poor waste disposal, resulting in contaminated water, to the point that faecal contamination was detected in the household drinking water of 54.1 per cent of the rural household population.[29]

46. It is rare for households in the provincial areas of the Democratic People's Republic of Korea to have an indoor toilet, and many people use outdoor facilities that are not connected to a public sewage system. Sanitation systems that are managed by households are not necessarily defective, but they imply a health concern for users and the community at large in the absence of government oversight and awareness-raising. None of the escapees interviewed by the Special Rapporteur had had access to treated, readily available water or a toilet inside their homes, but only to outdoor toilets or latrines that were not connected to a public sewage system. A woman from Hyesan City said: "We lived close to the Yalu River, and we got our drinking water from the river. We used to go before sunrise, when it was still clean, and people did not start washing their clothes. This is the case for most people in Hyesan City." Another woman, from Musan County, North Hamgyong Province, described the struggle to gain access to clean water as follows: "Our house had a toilet outside. We had water at home, but we had to pump it. It was not always clear. It was mixed with sand, and it was intermittent as well. We could also get water from a river stream close to the house when the supply at home was not enough, and this was the case for other people." The testimonies point out the serious risk posed by the consumption of river water that is vulnerable to contamination and pollution. The Special Rapporteur urges the authorities to adopt a comprehensive plan to monitor the quality and safety of river water, and to ensure that people who are not able to gain access drinking water through government supply can nonetheless receive a supply of purified river water at specific collection sites operated by the Government.

47. In its concluding observations, the Committee on the Rights of the Child welcomed the State party's 2016 intersectoral initiative to integrate water, sanitation and nutrition, and drew attention to target 6.2 of the Sustainable Development Goals. The Committee also recommended that the State party prioritize water, sanitation and nutrition interventions and participate in South-South learning exchanges on technology and use of gravity-fed water systems.[30] The Special Rapporteur encourages the authorities to engage with the Special Rapporteur on the human rights to safe drinking water and sanitation. In this regard, the recent engagement of the Government with the Special Rapporteur on the rights of persons with disabilities, including a field visit, must serve as a good example for further cooperation in the future with the water and sanitation mandate holder and others.

V. Cooperation with the United Nations human rights system

A. Mandate of the Special Rapporteur

48. The Democratic People's Republic of Korea remains closed to any form of cooperation or engagement with the mandate of the Special Rapporteur and has declined his repeated requests for meetings with the country's Permanent Missions to the United Nations in Geneva and New York. While the Government rejects the mandate, alleging politicization and double standards of the mechanism itself, the Special Rapporteur has continued to call for dialogue with the authorities while being strictly guided by the principles of independence, neutrality and impartiality.

[29] Ibid., p. 148.

[30] See CRC/C/PRK/CO/5, para. 34.

49. In view of the ongoing rapprochement with key Member States, the Special Rapporteur believes that there is an urgent need for the Government of the Democratic People's Republic of Korea to step up the human rights dialogue and to extend a parallel opening alongside the current openings on peace and denuclearization. The call is to end the era of self-isolation and to engage, as a credible Member of the United Nations, in a process of dialogue with the Special Rapporteur as a concrete sign of its commitment, which will only serve to reinforce the ongoing process.

50. In the meantime, the Special Rapporteur continues to seek indirect contacts with officials of the Democratic People's Republic of Korea, with the support of a multitude of regional and international actors.

B. Office of the United Nations High Commissioner for Human Rights

51. The Special Rapporteur believes that the appointment of the new High Commissioner for Human Rights offers a unique opportunity for OHCHR to explore meaningful engagement and cooperation with the Democratic People's Republic of Korea. In this regard, he would strongly support a visit by the High Commissioner to the Democratic People's Republic of Korea as a first step towards engaging in human rights issues. A number of areas identified by the Special Rapporteur offer good opportunities for cooperation with the authorities, as follows:

(a) Advice and technical assistance to the National Committee for the Implementation of International Human Rights Treaties, created in April 2015, with a view to enhancing the implementation of treaty obligations and the recommendations emanating from such bodies;

(b) Technical assistance, training and sensitization for government officials on international human rights instruments and mechanisms;

(c) Advice and technical assistance in establishing an independent national human rights institution, in accordance with the Paris Principles;

(d) Advice and technical assistance to improve complaint mechanisms for abuses existing at the domestic level;[31]

(e) Advice and technical assistance in developing a system that allows public access to domestic legislation;[32]

(f) Advice and technical assistance in enhancing the collection and analysis of data on human rights issues, in accordance with "A human rights-based approach to data: leaving no one behind in the 2030 Agenda for Sustainable Development"[33] and other guidelines such as "Human rights indicators: a guide to measurement and implementation";[34]

(g) Advice and technical assistance for the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the

[31] In its concluding observations, the Committee on the Rights of the Child noted "the information provided by the State party on the existence of complaints departments, complaints boxes and the required confidentiality from complaints officers" (ibid., para. 11).

[32] In its concluding observations, the Committee on the Elimination of Discrimination against Women expressed regret that "the State party's laws are not publicly available, which would allow for constructive criticism and independent monitoring" (see CEDAW/C/PRK/CO/2-4, para. 11).

[33] OHCHR, "A human rights-based approach to data: leaving no one behind in the 2030 Agenda for Sustainable Development", 2018. Available at www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf.

[34] OHCHR, "Human rights indicators: a guide to measurement and implementation" (2012).

International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(h) Advice and technical assistance with a view to encouraging the withdrawal by the Democratic People's Republic of Korea of its unilateral declaration against the treaty obligations under the International Covenant on Civil and Political Rights;

(i) Mediation between the Government and the International Labour Organization (ILO) with a view to the Democratic People's Republic of Korea becoming a member of ILO and a State party to the core ILO conventions;

(j) Provision of advice and technical assistance to the two Koreas in exchanges and cooperation initiatives which involve human rights obligations.

52. With regard to the accountability agenda for violations committed in the Democratic People's Republic of Korea, significant steps have been taken in the past year, in particular the establishment of a dedicated investigation team at OHCHR. In accordance with Human Rights Council resolution 34/24, the capacity of the Office, including its field-based structure in Seoul, has been reinforced with a dedicated team tasked with conducting monitoring and documentation activities with a view to establishing a central repository of information and evidence relating to cases. The Special Rapporteur, underscoring the imperative importance of seeking truth and justice with respect to crimes against humanity, continues to work closely with the new team and commends the efforts undertaken to advance the accountability agenda in the Democratic People's Republic of Korea.

C. Other United Nations human rights mechanisms

53. The Democratic People's Republic of Korea has complied with its reporting obligations before the Committee on the Rights of the Child (see CRC/C/PRK/CO/5) and the Committee on the Elimination of Discrimination against Women (see CEDAW/C/PRK/CO/2-4). The country also underwent the second cycle of the universal periodic review of the Human Rights Council in 2014 and will undergo the third cycle in May 2019. This progress in the relationship of the Democratic People's Republic of Korea with United Nations human rights mechanisms, including the past official visit of the Special Rapporteur on the rights of persons with disabilities, now needs to be reflected in terms of steps towards the implementation of the recommendations from those mechanisms. In this regard, the Special Rapporteur strongly encourages the Government to seek technical assistance from the relevant United Nations entities and, once again, insists on the importance of accepting his visit to the country to further address all these human rights issues.

54. The Special Rapporteur also encourages the United Nations country team in the Democratic People's Republic of Korea to continue working with the authorities to assist with the implementation of those recommendations, including in the context of the strategic framework for cooperation between the United Nations and the Government of the Democratic People's Republic of Korea 2017–2021. The advancement in the rapprochement between the two Koreas will increase the activities and the role of the United Nations office, including in terms of human rights affairs.

55. The visit to Pyongyang made by the Under-Secretary-General for Political Affairs in December 2017 was a valuable opportunity to defuse tensions and restore political dialogue with the Democratic People's Republic of Korea. The Special Rapporteur encourages the Government to continue to build on that contact, and

encourages the United Nations agencies concerned to secure the best from this opening.

VI. Conclusions

56. The rapprochement that the world has witnessed since the beginning of 2018 between the two Koreas comes after 70 years of confrontation and division, with significant meaning for the people and for the prospects for peace and prosperity on the Korean Peninsula and beyond. Likewise, the ensuing summit between the leaders of the Democratic People's Republic of Korea and the United States could represent a pivot in history regarding the denuclearization of the Democratic People's Republic of Korea.

57. While the Special Rapporteur regrets that neither the Panmunjom Declaration for Peace, Prosperity and Unification of the Korean Peninsula nor the Singapore summit statement included any human rights terminology, he believes that the resumption of dialogue channels on peace and denuclearization is also an opportunity to lay the foundations for a human rights dialogue with the Government of the Democratic People's Republic of Korea.

58. To achieve peace, denuclearization and prosperity entail multiple actions with implications for human rights, including humanitarian aid, the improvement of economic and social statistics, development and infrastructure projects, labour standards, progress on freedoms, environmental impact assessments, cultural and religious exchanges, the fostering of tourism, and the overall historical challenge of opening up the country to technical cooperation and reliable monitoring and verification. Therefore, the Special Rapporteur is convinced that bringing human rights to the table is not a hindrance, but a way of ensuring that peace talks are sustainable and comprehensive. For the authorities of the Democratic People's Republic of Korea, this is the time and the opportunity to prove its attachment to the international system by upholding universal human rights principles.

59. Addressing human rights in Democratic People's Republic of Korea is not only the responsibility of the parties involved in negotiations, but also a primary burden of the United Nations as a whole, especially in view of continuing grave violations and the findings of the 2014 Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, including that crimes against humanity have been committed in the country. In this regard, the Special Rapporteur would support a declaration of the General Assembly to end the Korean war and to initiate a peace process, but he calls upon the Member States and the United Nations institutions to simultaneously integrate human rights throughout its consideration of the Democratic People's Republic of Korea, and not to restrict it to discussions in the Third Committee. Regardless of the extent of, and progress or backtracking in, negotiations, there are many issues that must be addressed without further delay, such as political prison camps, special measures for victims of trafficking, providing answers on reported cases of enforced disappearance, accountability measures, or dire socioeconomic conditions, which cannot wait until the international community decides that the timing is appropriate or convenient. History has shown time and again that whenever human rights are put aside in a peace process, it will pose risks for the future. In this regard, the Special Rapporteur hopes that the security guarantees demanded by the Democratic People's Republic of Korea in order to denuclearize do not result in a renouncement of the supervision of universal human rights responsibilities, which not so long ago was a top priority for the international community. Ultimately, for the United Nations mandate that he holds, it is tangible

60. Finally, the Special Rapporteur believes that it is critical that the process of dialogue with the Democratic People's Republic of Korea be fully inclusive and transparent. It must not remain a process that is driven exclusively by the leaders, but must be opened up to other actors for their active participation. In moving forward, the relevant Governments should hold further consultations with all stakeholders, including civil society organizations, so that the peace process can benefit from a diverse range of views and perspectives.

VII. Recommendations

61. **The Special Rapporteur recommends that the Democratic People's Republic of Korea:**

(a) **Seek the assistance of the international community in addressing chronic food insecurity and malnutrition, as well as access to essential health services and access to clean water and adequate sanitation, with particular attention to vulnerable groups;**

(b) **Consider taking steps to reduce military expenditure with a view to ensuring equitable reallocation of resources to respond to the ongoing humanitarian situation;**

(c) **Recognize the fundamental right to leave and enter the Democratic People's Republic of Korea in law and practice, and ensure that those who are repatriated, including victims of human smuggling and trafficking, are not subjected to punishment upon repatriation;**

(d) **Ensure that family reunion events are conducted with the interests of the families first and foremost in mind, including by ensuring the possibility for them to maintain longer-term communication with their relatives in the Republic of Korea in a sustainable manner;**

(e) **Address allegations of enforced disappearance and provide information to the families of the victims on the fates and whereabouts of their missing relatives;**

(f) **Consider reforming the Public Distribution System with a view to ensuring the right to social security for all, in particular those who cannot meet their basic needs owing to illnesses, accidents, old age, disability or maternity;**

(g) **Review any formal or informal practice that requires children to perform labour tasks that interfere with their rights to education, health, rest and leisure, and prohibit in law the employment of children under 18 years of age in harmful or hazardous work;**

(h) **Release statistical and other data that will allow for an assessment of the impact of international sanctions on the population;**

(i) **Consider becoming a member of the International Labour Organization with a view to adhering to the core labour standards;**

(j) **Ensure that the nationals of the Republic of Korea currently detained in Pyongyang are provided with consular assistance, in accordance with the Vienna Convention on Consular Relations, with a view to their early release, and that their treatment fully complies with the standard minimum rules for the treatment of prisoners;**

(k) Consider the further granting of amnesty to political prisoners, particularly those imprisoned for guilt by association, as part of a longer-term ongoing process, while ensuring transparency in the process;

(l) Consider seeking the expertise of the United Nations human rights system as well as that of the International Committee of the Red Cross to reform the penitentiary system in line with international standards;

(m) Continue to cooperate with the Human Rights Council, in particular in relation to the upcoming universal periodic review, paying due attention to the implementation of the recommendations accepted during the previous review;

(n) Submit the periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights;

(o) Consider seeking the technical assistance of the Office of the United Nations High Commissioner for Human Rights, including by granting access to the country;

(p) Initiate a process of dialogue with the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea;

(q) Engage with the High Commissioner for Human Rights on the issues recommended in paragraphs 51 and 52 above;

(r) Engage with the Special Rapporteur on the human rights to safe drinking water and sanitation.

62. **The Special Rapporteur recommends that the Republic of Korea:**

(a) Integrate human rights into the ongoing peace and denuclearization talks;

(b) Undertake consultations with stakeholders engaged in issues of relevance to the situation of human rights in the Democratic People's Republic of Korea, including civil society organizations working on the accountability agenda;

(c) Adopt a rights-based and victim-centric approach to family reunions, allowing for unhindered contact between all relatives;

(d) Facilitate people-to-people exchanges with the Democratic People's Republic of Korea by lowering restrictions on freedom of communication;

(e) Consider allowing people who wish to go back to the Democratic People's Republic of Korea to do so;

(f) Enforce strict guidelines for economic and humanitarian cooperation, including to ensure that aid reaches those most in need.

63. **The Special Rapporteur recommends that China:**

(a) Refrain from forcibly returning individuals to the Democratic People's Republic of Korea who are at risk of serious human rights violations upon repatriation;

(b) Consider adopting a legal and policy framework for citizens of the Democratic People's Republic of Korea who live in China or who transit through its territory that would allow them to seek asylum on a case-by-case basis, or to apply for settlement in countries of their choosing;

(c) Consider adopting a legal and policy framework to protect victims of

64. **The Special Rapporteur recommends that the international community:**

(a) **Use any available opportunity for dialogue with the Democratic People's Republic of Korea to create an environment for progress in the human rights situation, in particular by calling for prevention of violations and effective protection of human rights in an accountable manner, as well as the participation of the people of the Democratic People's Republic of Korea in determining the path towards peace and prosperity;**

(b) **Provide increased financial and other support to humanitarian actors, including the United Nations, in responding to the most urgent food, health, nutrition, water, sanitation and hygiene needs in the ongoing humanitarian situation;**

(c) **Consult and involve civil society actors in efforts of Member States to address the situation of human rights in the Democratic People's Republic of Korea;**

(d) **Support efforts to promote accountability in the Democratic People's Republic of Korea, including the work of the dedicated OHCHR accountability team;**

(e) **Use the upcoming third cycle of the universal periodic review, in May 2019, as an opportunity to urge the Government of the Democratic People's Republic of Korea to implement the recommendations accepted during the first and second cycles.**

65. **The Special Rapporteur recommends that the United Nations:**

(a) **Continue to press for the full inclusion of human rights in future peace talks as part of system-wide efforts in a coordinated and unified manner;**

(b) **Support technical cooperation projects on human rights with the Democratic People's Republic of Korea, including in areas suggested in paragraphs 51 and 52 above;**

(c) **Support efforts to promote accountability in the Democratic People's Republic of Korea, in consultation with the dedicated OHCHR accountability team.**

66. **The Special Rapporteur recommends that civil society organizations:**

(a) **Continue to use the results of human rights monitoring to advocate changes in the laws and policies of the Democratic People's Republic of Korea;**

(b) **Strengthen advocacy efforts aimed at raising awareness on the link between human rights protection and peacebuilding;**

(c) **Reach out to humanitarian organizations inside the Democratic People's Republic of Korea to develop synergies that can help to advance human rights, including with respect to specific groups, themes or issues;**

(d) **Use the upcoming third cycle of the universal periodic review, in May 2019, as an opportunity to highlight the status of implementation of the recommendations accepted during the first and second cycles by the Government of the Democratic People's Republic of Korea.**